

From: [Moore, Dawn M.](#)
To: [Lipkin, Harriet](#); [Eric Myers](#)
Subject: NP Palace LLC d/b/a Palace Station Hotel & Casino / Case 28-RC-184961
Date: Wednesday, October 5, 2016 6:29:15 PM
Attachments: [AGR.28-RC-184961.Stipulated Election Agreement Approved 10-5-16.pdf](#)
[image001.png](#)
[LTR.28-RC-184961.Letter Sending Approved AGR and NEE 10-5-16.pdf](#)
[NEE 28-RC-184961 Notice of Election-Manual ENGLISH.pdf](#)
[NEE 28-RC-184961 Notice of Election-Manual SPANISH.pdf](#)

Please see the attached documents.

Dawn M. Moore

Acting Secretary to the Regional Attorney
Region 28 – Las Vegas Resident Office
National Labor Relations Board
Foley Federal Building
300 Las Vegas Boulevard South, Suite 2-901
Las Vegas, NV 89101-5833
Tel: (702) 820-7466
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NATIONAL LABOR
RELATIONS BOARD

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

**NP PALACE LLC d/b/a
PALACE STATION HOTEL & CASINO**

Case 28-RC-184961

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, NP Palace LLC d/b/a Palace Station Hotel and Casino, a Nevada limited liability company with an office and place of business in Las Vegas, Nevada, is engaged in the operation of a hotel and casino. During the 12-month period ending **September 26, 2016**, the Employer, in conducting its business operations described above, derived gross revenues in excess of \$500,000. During the same period of time, the Employer purchased and received at its Nevada facility, goods valued in excess of \$50,000 directly from points outside the State of Nevada.

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

DATES: Saturday, October 15, 2016

HOURS: 6:00 a.m. to 9:00 a.m.
11:00 a.m. to 2:00 p.m.
4:00 p.m. to 7:00 p.m.

&

Sunday, October 16, 2016

6:00 a.m. to 9:00 a.m.
11:00 a.m. to 2:00 p.m.
4:00 p.m. to 7:00 p.m.

PLACE: In the Employer's Salon A (Banquet Area)
2411 W. Sahara Avenue
Las Vegas, Nevada

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

Initials: kl7

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: All regular full-time and regular part-time banquet captains, banquet servers, bar/beverage porters, bartenders, beverage servers, bus persons, concession workers, cooks, cook's helpers, counter attendants, food servers, gourmet host/cashiers, guest room attendants, host/cashiers, housepersons, kitchen runners, kitchen workers, lead attendants, pantry workers, porters, room runners, service bartenders, sprinters, stove persons, team member dining room attendants, and utility porters employed by the Employer in Las Vegas, Nevada.

EXCLUDED: All other employees, including all front-desk employees, bellpersons, valet parkers, gaming employees (dealers, slot attendants, cage cashiers), drivers, engineering and maintenance employees, office clerical employees, confidential employees, and all guards, managers and supervisors as defined by the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending Sunday, September 25, 2016**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

Initials: KH

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by LOCAL JOINT EXECUTIVE BOARD OF LAS VEGAS, A/W UNITE HERE INTERNATIONAL UNION?" The choices on the ballot will be "Yes" or "No"

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day of the election. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Employer's designated Notice of Election onsite representative: Michael Edmonds, Director of Human Resources, 2411 W. Sahara Avenue, Las Vegas, Nevada, Michael.Edmonds@stationcasinos.com, and fax number is 702-367-6138.

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

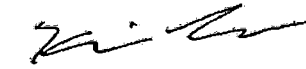
12. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**NP LLC D/B/A PALACE STATION
HOTEL & CASINO**

(Employer)

By



Kevin Harlow, Esq.

10/5/16

(Date)

**LOCAL JOINT EXECUTIVE BOARD OF
LAS VEGAS, A/W UNITE HERE
INTERNATIONAL UNION**

(Petitioner)

By

Eric B. Myers, Esq.

(Date)

Initials: KH

Recommended:

Michael J. Johnson 10-5-16
Michael J. Johnson, Field Examiner (Date)

Date approved:

October 5, 2016

/s/ Nancy E. Martinez

Regional Director, Region 28 (Acting)
National Labor Relations Board

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

**NP PALACE LLC d/b/a
PALACE STATION HOTEL & CASINO**

Case 28-RC-184961

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

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The Employer, NP Palace LLC d/b/a Palace Station Hotel and Casino, a Nevada limited liability company with an office and place of business in Las Vegas, Nevada, is engaged in the operation of a hotel and casino. During the 12-month period ending **September 26, 2016**, the Employer, in conducting its business operations described above, derived gross revenues in excess of \$500,000. During the same period of time, the Employer purchased and received at its Nevada facility, goods valued in excess of \$50,000 directly from points outside the State of Nevada.

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

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11:00 a.m. to 2:00 p.m.
4:00 p.m. to 7:00 p.m.

&

Sunday, October 16, 2016

6:00 a.m. to 9:00 a.m.
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4:00 p.m. to 7:00 p.m.

PLACE: In the Employer's Salon A (Banquet Area)
2411 W. Sahara Avenue
Las Vegas, Nevada

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: All regular full-time and regular part-time banquet captains, banquet servers, bar/beverage porters, bartenders, beverage servers, bus persons, concession workers, cooks, cook's helpers, counter attendants, food servers, gourmet host/cashiers, guest room attendants, host/cashiers, housepersons, kitchen runners, kitchen workers, lead attendants, pantry workers, porters, room runners, service bartenders, sprinters, stove persons, team member dining room attendants, and utility porters employed by the Employer in Las Vegas, Nevada.

EXCLUDED: All other employees, including all front-desk employees, bellpersons, valet parkers, gaming employees (dealers, slot attendants, cage cashiers), drivers, engineering and maintenance employees, office clerical employees, confidential employees, and all guards, managers and supervisors as defined by the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending Sunday, September 25, 2016**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

Initials: 

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be **"Do you wish to be represented for purposes of collective bargaining by LOCAL JOINT EXECUTIVE BOARD OF LAS VEGAS, A/W UNITE HERE INTERNATIONAL UNION?"** The choices on the ballot will be "Yes" or "No".

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day of the election. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Employer's designated Notice of Election onsite representative: Michael Edmonds, Director of Human Resources, 2411 W. Sahara Avenue, Las Vegas, Nevada, Michael.Edmonds@stationcasinos.com, and fax number is 702-367-6138.

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

12. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**NP LLC D/B/A PALACE STATION
HOTEL & CASINO**

(Employer)

By

Kevin Harlow, Esq.

(Date)

**LOCAL JOINT EXECUTIVE BOARD OF
LAS VEGAS, A/W UNITE HERE
INTERNATIONAL UNION**

(Petitioner)

By

Eric B. Myers, Esq.

Oct. 5, 2016

(Date)

Initials

Recommended:

Michael J. Johnson 10-5-16
Michael J. Johnson, Field Examiner (Date)

Date approved: October 5, 2016

/s/ Nancy E. Martinez

Regional Director, Region 28 (Acting)
National Labor Relations Board



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 28
2600 North Central Avenue
Suite 1400
Phoenix, AZ 85004

Agency Website: www.nlr.gov
Telephone: (602)640-2160
Fax: (602)640-2178

October 5, 2016

Harriet Lipkin, Attorney at Law
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Eric B. Myers, Attorney at Law
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595 Market Street, Suite 1400
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Re: NP Palace LLC d/b/a Palace Station
Hotel & Casino
Case 28-RC-184961

Dear Ms. Lipkin and Mr. Myers:

Enclosed are the Notices of Election and a copy of the election agreement that I have approved in this case. This letter will provide you with information about the voter list, posting and distribution of the election notices, and the agreed-upon election arrangements.

Voter List

The employer has provided the regional director and parties an alphabetized list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters, **accompanied by a certificate of service** on all parties.

Posting and Distribution of Election Notices

The Employer must post copies of the attached Notices of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted at least 3 full working days prior to 12:01 am on the day of the election and must also distribute the Notices of Election electronically to any employees in the unit with whom it customarily communicates electronically. The Notices of Election must be posted so all pages are simultaneously visible. In this case, the notices must be posted and distributed **before 12:01 a.m. on Wednesday, October 12, 2016**. The employer's failure to timely post or distribute the election notices is grounds for setting aside the election if proper and timely objections are filed. However, a party is stopped from objecting to the nonposting or nondistribution of notices if it is responsible for the nonposting or nondistribution.

To make it administratively possible to have election notices and ballots in a language other than English, please notify the Board agent immediately if that is necessary for this election. Also, as noted in paragraph 10 of the stipulated election agreement, if special accommodations are required for any voters, potential voters, or election participants to vote or reach the voting area, please tell the Board agent as soon as possible.

Election Arrangements

The arrangements for the election in this matter are as follows:

Date of Election: Saturday, October 15, 2016

Times: 6:00 a.m. to 9:00 a.m.
11:00 a.m. to 2:00 p.m.
4:00 p.m. to 7:00 p.m.

Place: In the Employer's Salon A (Banquet Area)
2411 W. Sahara Avenue
Las Vegas, Nevada

Date of Election: Sunday, October 16, 2016

Times: 6:00 a.m. to 9:00 a.m.
11:00 a.m. to 2:00 p.m.
4:00 p.m. to 7:00 p.m.

Place: In the Employer's Salon A (Banquet Area)
2411 W. Sahara Avenue
Las Vegas, Nevada

Election Observers: Each party may have observers for each polling session. The observers may be present at the polling place during the balloting and to assist the Board agent in counting the ballots after the polls have been closed. **Please complete the enclosed Designation of Observer form and return it to this office as soon as possible.**

Preelection Conference: A preelection conference for all parties will be held on ***Friday, October 14, 2016 at 2:00 p.m.*** at the site of the election. The parties are requested to have their election observers present at this conference so that the observers may receive instruction from the Board Agent about their duties.

Election Equipment: The Board agent conducting the election will furnish the ballot box, ballots, and voting booths. The Employer is requested to provide, at the polling place, a table and a sufficient number of chairs for use by the Board agent and observers during the election.

Enclosed is a Description of Election and Post-Election Procedures in Representation Cases, Form NLRB-5547, which describes the election and the method for handling challenges as well as post-election proceedings to deal with determinative challenges and any objections that are filed.

If you have any questions, please feel free to contact Field Examiner Michael J. Johnson at telephone number (702) 820-7462 or by email at Michael.Johnson@nlrb.gov. The cooperation of all parties is sincerely appreciated.

Very truly yours,

/s/ Nancy E. Martinez

Nancy E. Martinez
Acting Regional Director

Enclosures

1. Approved Election Agreement
2. Notice of Election
3. Designation of Observer Form
4. Description of Procedures in Election and Post-Election
Representation Case Procedures (Form 5547)

NEM/MJJ/dmm

DESIGNATION OF OBSERVER(S)

Re: NP Palace LLC d/b/a Palace Station
Hotel & Casino
Case 28-RC-184961

NP Palace LLC d/b/a Palace Station Hotel & Casino hereby designates the individual listed below to act as its observer during the election in the above case.

Observer's Name	Observer's Job Title
1.	

I certify that each of the above-named individuals is an employee of the Employer and is not a supervisor within the meaning of Section 2(11) of the Act.

NP Palace LLC d/b/a Palace Station Hotel & Casino
(Name of Party)

By: _____

(Signature)

(Representative Name: Print or Type)

(Representative Title)

(Date)

Note: Board law prohibits any statutory supervisor from serving as an election observer. Section 2(11) of the National Labor Relations Act states: "The term 'supervisor' means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

DESIGNATION OF OBSERVER(S)

Re: NP Palace LLC d/b/a Palace Station
Hotel & Casino
Case 28-RC-184961

Local Joint Executive Board of Las Vegas, a/w UNITE HERE International Union hereby designates the individual listed below to act as its observer during the election in the above case.

Observer's Name	Observer's Job Title
1.	

I certify that each of the above-named individuals is an employee of the Employer and is not a supervisor within the meaning of Section 2(11) of the Act.

Local Joint Executive Board of Las Vegas,
a/w UNITE HERE International Union

(Name of Party)

By:

(Signature)

(Representative Name: Print or Type)

(Representative Title)

(Date)

Note: Board law prohibits any statutory supervisor from serving as an election observer. Section 2(11) of the National Labor Relations Act states: "The term 'supervisor' means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

**DESCRIPTION OF ELECTION AND POST-ELECTION
REPRESENTATION CASE PROCEDURES**

Election – A secret ballot election will be conducted by an agent of the National Labor Relations Board on the date and at the time(s) and location(s) specified in the Notice of Election. Unless the election is conducted by mail ballot, each party is usually represented by an equal number of observers at the polls during the election. When a voter appears to vote, the voter is asked to state his or her name and is given a ballot to take to a voting booth and mark in secret. The voter folds the marked ballot and then drops it into a ballot box without showing the marking to anyone. Parties or the Board agent may challenge for good cause the eligibility of a voter to participate in the election. A challenged voter will place his or her ballot in a special envelope before placing it in the ballot box. After the time for voting has concluded but before counting the ballots, the Board agent will see if the parties can agree to resolve some or all of the challenges. The Board agent will then count the ballots and prepare a Tally of Ballots and make that Tally available to the parties. If the unresolved challenged ballots will not determine the outcome of the election, the challenged ballots are never opened and no determination is made on the voters' eligibility. If the remaining challenged ballots are determinative of the results of the election, those challenged ballots will be sealed in a special envelope in front of the parties and stored in a safe in an NLRB office.

Challenged Ballots – If the challenged ballots are determinative, the regional director will send a letter to the parties after the election, listing the challenged voters and asking the parties to submit a statement of position with respect to the challenge to the ballot of each voter listed above detailing why each of the challenged individuals is or is not eligible to vote. The regional director will then determine whether it is necessary to conduct an investigation or schedule a hearing to resolve the determinative challenges.

Objections – Within 7 days after the Tally of Ballots has been prepared, any party may file objections to the conduct of the election or to conduct affecting the results of the election. The objections must be submitted within this time frame, regardless of whether the challenged ballots are sufficient in number to affect the results of the election. The objections must contain a short statement of the reasons for the objections and be accompanied by a written offer of proof identifying each witness the party would call to testify concerning the issue and summarizing the witness's testimony. Upon a showing of good cause, the regional director may extend the time for filing the offer of proof. The party filing the objections will serve a copy of the objections, but not the written offer of proof, on each of the other parties to the case, and include a certificate of service with the objections. The objections may be E-Filed through the Agency's E-Filing system. Objections may also be submitted by facsimile transmission, but the filer must also file an original for the Agency's records.

Certification in the Absence of Objections, Determinative Challenges, and Runoff Elections -- If no timely objections are filed, no runoff election is required to be held, and the challenged ballots are insufficient in number to affect the results of the election, the regional director will issue a certification of the results of the election, including certification of representative where appropriate.

Regional Office Investigation and Decisions without a Hearing -- A Board agent may be assigned to conduct an administrative investigation of determinative challenges and objections. If the regional director determines that the evidence described in the offer of proof would not constitute grounds for setting aside the election if introduced at a hearing, and the regional director determines that any determinative challenges do not raise substantial and material factual issues, the regional director will issue a decision disposing of the objections and determinative challenges, and a certification of the results of the election, including certification of representative where appropriate.

Notices of Hearing on Challenges and/or Objections -- The regional director will schedule the hearing on challenges and/or objections 21 days after the preparation of the tally of ballots or as soon as practicable thereafter, unless the parties agree to an earlier date. In some cases, the regional director may consolidate the hearing concerning

objections and challenges with an unfair labor practice proceeding before an administrative law judge. In any proceeding involving a consent election where the representation case has been consolidated with an unfair labor practice proceeding for hearing, the administrative law judge will, after issuing a decision, sever the representation case and transfer it to the regional director for further processing. If there was no consent election, the administrative law judge's recommendations on objections and/or challenges that have been consolidated with an unfair labor practice proceeding will be ruled upon by the Board if exceptions are filed or adopted in the absence of exceptions.

Voluntary Resolution -- An objecting party may wish to withdraw its objections. The withdrawal may be oral or written. When objections are withdrawn, the regional director may issue the appropriate certification. If the parties agree to set aside the election and conduct a new one, the Board agent will prepare a written agreement for their signature and approval by the regional director. Agreement of the objecting party is not required.

Hearing on Challenges and/or Objections -- The hearing will continue from day to day until completed unless the regional director concludes that extraordinary circumstances warrant otherwise. Any party will have the right to appear at the hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the objections and determinative challenges that are the subject of the hearing. Post-hearing briefs may be filed only upon special permission of the hearing officer and within the time and addressing the subjects permitted by the hearing officer.

Hearing Officer's Report and Exceptions -- After the hearing, the hearing officer will prepare and serve on the parties a report resolving questions of credibility and containing findings of fact and recommendations as to the disposition of the post-election issues. Within 14 days from the issuance of that report, any party may file with the regional director exceptions to that report and a supporting brief if desired. A copy of the exceptions and any supporting brief must immediately be served on the other parties and a statement of service filed with the regional director. Within 7 days from the last date on which exceptions and any supporting brief may be filed, or such further time as the regional director may allow, a party opposing the exceptions may file an answering brief. A copy of the answering brief must immediately be served on the other parties and a statement of service filed with the regional director. Thereafter, the regional director will decide the matter or make other disposition of the case. If no exceptions to the hearing officer's report are filed, the regional director may decide the matter upon the record or make other disposition of the case. The decision of the regional director will be final unless a request for review is granted by the Board.

Briefs in support of exceptions and answering briefs may not exceed 50 pages, excluding the subject index and table of cases and authorities, unless permission is obtained from the regional director by motion, setting forth the reasons for exceeding the limit, filed not less than 5 days (including Saturdays, Sundays, and holidays) before the date the brief is due. If a brief filed exceeds 20 pages, it must contain a subject index with page references and an alphabetical table of cases and authorities. All documents filed with the regional director must be double spaced and on 8 ½ by 11-inch paper, and be printed or otherwise legibly duplicated.

Request For Review by the Board -- In stipulated and directed election cases, any party may request Board review of the regional director's post-election decision. The request for review must be filed with the Board within 14 days of the director's post-election decision and must be served on the regional director and the other parties. This may be combined with a request for review of the regional director's decision to direct an election. A statement of service must also be filed with the Board. Any party opposing the request for review may file a statement in opposition within 7 days after the last day for which the request for review must be filed. If the Board grants the request for review, the parties have 14 days from the order granting review to file briefs with the Board. A party seeking review must identify a significant, prejudicial error or some other compelling reason for Board review.



United States of America
National Labor Relations Board
NOTICE OF ELECTION



PURPOSE OF ELECTION: This election is to determine the representative, if any, desired by the eligible employees for purposes of collective bargaining with their employer. A majority of the valid ballots cast will determine the results of the election. Only one valid representation election may be held in a 12-month period.

SECRET BALLOT: The election will be by SECRET ballot under the supervision of the Regional Director of the National Labor Relations Board (NLRB). A sample of the official ballot is shown on the next page of this Notice. Voters will be allowed to vote without interference, restraint, or coercion. Electioneering will not be permitted at or near the polling place. Violations of these rules should be reported immediately to an NLRB agent. Your attention is called to Section 12 of the National Labor Relations Act which provides: ANY PERSON WHO SHALL WILLFULLY RESIST, PREVENT, IMPEDE, OR INTERFERE WITH ANY MEMBER OF THE BOARD OR ANY OF ITS AGENTS OR AGENCIES IN THE PERFORMANCE OF DUTIES PURSUANT TO THIS ACT SHALL BE PUNISHED BY A FINE OF NOT MORE THAN \$5,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.

ELIGIBILITY RULES: Employees eligible to vote are those described under the VOTING UNIT on the next page and include employees who did not work during the designated payroll period because they were ill or on vacation or temporarily laid off, and also include employees in the military service of the United States who appear in person at the polls. Employees who have quit or been discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of this election are *not* eligible to vote.

SPECIAL ASSISTANCE: Any employee or other participant in this election who has a handicap or needs special assistance such as a sign language interpreter to participate in this election should notify an NLRB Office as soon as possible and request the necessary assistance.

PROCESS OF VOTING: Upon arrival at the voting place, voters should proceed to the Board agent and identify themselves by stating their name. The Board agent will hand a ballot to each eligible voter. Voters will enter the voting booth and mark their ballot in secret. **DO NOT SIGN YOUR BALLOT.** Fold the ballot before leaving the voting booth, then personally deposit it in a ballot box under the supervision of the Board agent and leave the polling area.

CHALLENGE OF VOTERS: If your eligibility to vote is challenged, you will be allowed to vote a challenged ballot. Although you may believe you are eligible to vote, the polling area is not the place to resolve the issue. Give the Board agent your name and any other information you are asked to provide. After you receive a ballot, go to the voting booth, mark your ballot and fold it so as to keep the mark secret. **DO NOT SIGN YOUR BALLOT.** Return to the Board agent who will ask you to place your ballot in a challenge envelope, seal the envelope, place it in the ballot box, and leave the polling area. Your eligibility will be resolved later, if necessary.

AUTHORIZED OBSERVERS: Each party may designate an equal number of observers, this number to be determined by the NLRB. These observers (a) act as checkers at the voting place and at the counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB.



**United States of America
National Labor Relations Board
NOTICE OF ELECTION**



VOTING UNIT

EMPLOYEES ELIGIBLE TO VOTE:

All regular full-time and regular part-time banquet captains, banquet servers, bar/beverage porters, bartenders, beverage servers, bus persons, concession workers, cooks, cook's helpers, counter attendants, food servers, gourmet host/cashiers, guest room attendants, host/cashiers, housepersons, kitchen runners, kitchen workers, lead attendants, pantry workers, porters, room runners, service bartenders, sprinters, stove persons, team member dining room attendants, and utility porters employed by the Employer in Las Vegas, Nevada, who were employed during the payroll period ending September 25, 2016.

EMPLOYEES NOT ELIGIBLE TO VOTE:

All other employees, including all front-desk employees, bellpersons, valet parkers, gaming employees (dealers, slot attendants, cage cashiers), drivers, engineering and maintenance employees, office clerical employees, confidential employees, and all guards, managers and supervisors as defined by the Act.

DATES, TIMES AND PLACE OF ELECTION

DATE: Saturday, October 15, 2016	TIMES: 6:00 a.m. to 9:00 a.m. 11:00 a.m. to 2:00 p.m. 4:00 p.m. to 7:00 p.m.	PLACE: In the Employer's Salon A (Banquet Area) 2411 W. Sahara Avenue Las Vegas, Nevada
DATE: Sunday, October 16, 2016	TIMES: 6:00 a.m. to 9:00 a.m. 11:00 a.m. to 2:00 p.m. 4:00 p.m. to 7:00 p.m.	PLACE: In the Employer's Salon A (Banquet Area) 2411 W. Sahara Avenue Las Vegas, Nevada

EMPLOYEES ARE FREE TO VOTE AT ANY TIME THE POLLS ARE OPEN.

BALLOTS WILL BE CO-MINGLED AND COUNTED AT THE END OF THE LAST POLLING SESSION.



**United States of America
National Labor Relations Board
NOTICE OF ELECTION**



**UNITED STATES OF AMERICA
ESTADOS UNIDOS DE AMERICA**
National Labor Relations Board
Junta Nacional De Relaciones Del Trabajo
28-RC-184961



**OFFICIAL SECRET BALLOT
PAPELETA SECRETA OFICIAL**

For certain employees of
Para Ciertos Empleados De

NP PALACE LLC D/B/A PALACE STATION HOTEL & CASINO

Do you wish to be represented for purposes of collective bargaining by
¿Desea usted estar representado para los fines de negociar colectivamente por

**LOCAL JOINT EXECUTIVE BOARD OF LAS VEGAS,
A/W UNITE HERE INTERNATIONAL UNION?**

**MARK AN "X" IN THE SQUARE OF YOUR CHOICE
MARQUE CON UNA "X" DENTRO DEL CUADRO DE SU SELECCIÓN**

YES SI
<input type="checkbox"/>

NO NO
<input type="checkbox"/>

**DO NOT SIGN THIS BALLOT. Fold and drop in the ballot box.
NO FIRME ESTA PAPELETA. Dóblela y deposítela en la urna electoral.**

**If you spoil this ballot, return it to the Board Agent for a new one.
Si usted daña esta papeleta devuélvala al Agente de la Junta y pídale una nueva.**

The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.

La Junta Nacional de Relaciones del Trabajo no respalda a ninguna de las opciones en esta elección. Cualquier marca que se pueda ver en cualquier muestra de la papeleta no fue hecha por la Junta Nacional de Relaciones del Trabajo.



**United States of America
National Labor Relations Board
NOTICE OF ELECTION**



RIGHTS OF EMPLOYEES - FEDERAL LAW GIVES YOU THE RIGHT TO:

- **Form, join, or assist a union**
- **Choose representatives to bargain with your employer on your behalf**
- **Act together with other employees for your benefit and protection**
- **Choose not to engage in any of these protected activities**
- **In a State where such agreements are permitted, the Union and Employer may enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the Union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the Union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).**

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both Employers and Unions to know what is expected of them when it holds an election.

If agents of either Unions or Employers interfere with your right to a free, fair, and honest election the election can be set aside by the Board. When appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in setting aside of the election:

- **Threatening loss of jobs or benefits by an Employer or a Union**
- **Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises**
- **An Employer firing employees to discourage or encourage union activity or a Union causing them to be fired to encourage union activity**
- **Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or the mail ballots are dispatched in a mail ballot election**
- **Incitement by either an Employer or a Union of racial or religious prejudice by inflammatory appeals**
- **Threatening physical force or violence to employees by a Union or an Employer to influence their votes**

The National Labor Relations Board protects your right to a free choice.

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law.

Anyone with a question about the election may contact the NLRB Office at (702)388-6416 or visit the NLRB website www.nlrb.gov for assistance.



Estados Unidos de América
Junta Nacional de Relaciones del Trabajo
AVISO DE ELECCIÓN



OBJETIVO DE LA ELECCION: Esta elección es para determinar quién es el representante deseado por los empleados, si hubiese alguno, con el propósito de negociar colectivamente con su empleador. La mayoría de los votos válidos emitidos determinarán los resultados de la elección. En un período de 12 meses, solamente se podrá celebrar una elección válida de representación.

VOTO SECRETO: La elección será por papeleta de votación SECRETA bajo la supervisión del Director Regional de la Junta Nacional de Relaciones del Trabajo (JNRT). Una muestra de la papeleta oficial de votación se exhibe en la siguiente página de este Aviso. Los votantes podrán votar sin interferencia, impedimento o amenaza. No se permitirán campañas electorales en el centro de votación o sus alrededores. Las violaciones de estas reglas deberán ser reportadas inmediatamente a un agente de la JNRT. Se requiere su atención a la Sección 12 de la Ley Nacional de Relaciones del Trabajo que indica: CUALQUIER PERSONA QUE DELIBERADAMENTE SE OPONGA, PREVenga, IMPIDA O INTERFIERA CON CUALQUIER MIEMBRO DE LA JUNTA O CUALESQUIERA DE SUS AGENTES O AGENCIAS EN EL DESEMPEÑO DE SUS FUNCIONES CONFORME A ESTA LEY, SERA CASTIGADA CON UNA MULTA QUE NO EXCEDA \$5,000 DOLARES AMERICANOS, O ENCARCELAMIENTO QUE NO EXCEDA UN AÑO, O AMBOS.

REGLAS DE ELEGIBILIDAD: Los empleados elegibles para votar son aquellos que son descritos conforme a la UNIDAD DE VOTACION en la página siguiente, que incluye empleados que no trabajaron durante el periodo de la nomina de sueldos designada, porque ellos estaban enfermos o en vacaciones, o temporalmente descansados, y también se incluye a empleados en el servicio militar de los Estados Unidos que se presenten al lugar de la votación. NO son elegibles para votar, los empleados que renunciaron o fueron despedidos con causa, desde el período de la nómina de sueldos designada, y que no han sido recontratados o reintegrados antes de la fecha de esta elección.

ASISTENCIA ESPECIAL: Cualquier empleado u otro participante en esta elección que tenga una discapacidad, y que para participar requiera una asistencia especial, por ejemplo de un intérprete de lenguaje de señas, deberá comunicarse lo antes posible con una Oficina de la JNRT para solicitar la asistencia necesaria.

EL PROCESO DE LA VOTACION: Al llegar al lugar de la votación, los votantes deberán dirigirse al agente de la Junta e identificarse dando su nombre. El agente de la Junta entregará una papeleta de votación a cada uno de los votantes que sean elegibles. Los votantes entrarán a la caseta de votación y marcarán sus papeletas de votación en secreto. NO FIRME SU PAPELETA DE VOTACION. Doble la papeleta de votación antes de salir de la caseta de votación, luego personalmente deposítela en la urna electoral bajo la supervisión del agente de la Junta, y retírese del área de votación.

IMPUGNACION DE VOTANTES: Si se impugna su elegibilidad para votar, se le va a permitir votar con una papeleta impugnada. Aunque usted crea que sea elegible para votar, el área de la votación no es el lugar para resolver este asunto. Proporcione al agente de la Junta su nombre y cualquier otra información que se le pida. Después que usted reciba una papeleta de votación, vaya a la caseta de votación, marque su papeleta de votación y dóblela para poder mantener en secreto lo que marco. NO FIRME SU PAPELETA DE VOTACION. Regrese adonde esta el agente de la Junta quien le pedirá que coloque su papeleta de votación en un sobre impugnado; selle el sobre; colóquelo dentro de la urna electoral y retírese del área de votación. El asunto sobre su elegibilidad se resolverá más tarde, si fuese necesario.

OBSERVADORES AUTORIZADOS: Cada una de las partes podrá designar un número igual de observadores; este número será determinado por la JNRT. Estos observadores (a) actúan como controladores en el lugar de la votación y durante el conteo de las papeletas de votación; (b) ayudan a identificar a votantes; (c) impugnan votantes y papeletas y (d) ayudan de otras maneras a la JNRT.

ADVERTENCIA: Este es el único aviso oficial de esta elección y no deberá ser mutilado por ninguna persona. Cualquier marca que usted vea en cualquier papeleta de muestra o en cualquier parte de este aviso, ha sido hecha por personas ajenas a la Junta Nacional de Relaciones del Trabajo, y no han sido puestas ahí por la Junta Nacional de Relaciones del Trabajo. La Junta Nacional de Relaciones del Trabajo es una agencia del Gobierno de los Estados Unidos, y no respalda a ninguna de las opciones en esta elección.



Estados Unidos de América
Junta Nacional de Relaciones del Trabajo
AVISO DE ELECCIÓN



UNIDAD DE VOTACION

EMPLEADOS ELEGIBLES PARA VOTAR:

Todos los Capitanes de Banquete, Servidores de Banquete, Porteros de Bar/Bebidas, Cantineros, Servidores de Bebidas, Conductor de Autobuses, Trabajadores de Concesiones, Cocineros, Ayudantes de Cocineros, Dependientes de Mostrador, Servidores de Comida, Cajeros/meseros de Gourmet, Camareros de Cuarto de Huéspedes, Mesoneros/Cajeros, Sirvientes, Corredores de Cocina, Trabajadores de Cocina, Jefes de Sirvientes, Trabajadores de Despensa, Conserjes, Corredores de Cuartos, Cantineros de Servicio, Corredores, Personal de Estufa, Ayudantes del Comedor de los Miembros de Equipo, y Mozos de Servicio Público de tiempo pleno y regulares de tiempo parcial empleados por el Empleador en las Vegas, Nevada, durante el período de pago concluido el 25 de septiembre del 2016.

EMPLEADOS NO ELEGIBLES PARA VOTAR:

Todos los otros trabajadores empleados por el Empleador, incluyendo todos los empleados de mostrador, botones, personal de valet, empleados de juego (repartidores de cartas, ayudantes de máquinas, cajeros de jaula), choferes, empleados de ingeniería y mantenimiento, empleados de oficina, empleados confidenciales y todos los guardias, gerentes y supervisores como se definen en la Ley.

FECHAS, HORAS Y LUGAR DE VOTACIÓN

FECHA: Sábado, 15 de octubre del 2016	HORAS: 6:00 a.m. a 9:00 a.m. 11:00 a.m. a 2:00 p.m. 4:00 p.m. a 7:00 p.m.	LUGAR: En el Salón A (Banquet Area) del Empleador localizado en 2411 W. Sahara Avenue Las Vegas, Nevada
FECHA: Domingo, 16 de octubre del 2016	HORAS: 6:00 a.m. a 9:00 a.m. 11:00 a.m. a 2:00 p.m. 4:00 p.m. a 7:00 p.m.	LUGAR: En el Salón A (Banquet Area) del Empleador localizado en 2411 W. Sahara Avenue Las Vegas, Nevada

LOS EMPLEADOS PUEDEN VOTAR CUANDO LAS URNAS ESTÉN ABIERTAS.

SE MEZCLARÁN Y SE CONTARÁN TODAS LAS BOLETAS DESPUÉS DE QUE TERMINE LA ÚLTIMA SESIÓN DE VOTACIÓN.

ADVERTENCIA: Este es el único aviso oficial de esta elección y no deberá ser mutilado por ninguna persona. Cualquier marca que usted vea en cualquier papeleta de muestra o en cualquier parte de este aviso, ha sido hecha por personas ajenas a la Junta Nacional de Relaciones del Trabajo, y no han sido puestas ahí por la Junta Nacional de Relaciones del Trabajo. La Junta Nacional de Relaciones del Trabajo es una agencia del Gobierno de los Estados Unidos, y no respalda a ninguna de las opciones en esta elección.



Estados Unidos de América
Junta Nacional de Relaciones del Trabajo
AVISO DE ELECCIÓN



UNITED STATES OF AMERICA
ESTADOS UNIDOS DE AMERICA
National Labor Relations Board
Junta Nacional De Relaciones Del Trabajo
28-RC-184961



OFFICIAL SECRET BALLOT
PAPELETA SECRETA OFICIAL

For certain employees of
Para Ciertos Empleados De

NP PALACE LLC D/B/A PALACE STATION HOTEL & CASINO

Do you wish to be represented for purposes of collective bargaining by
¿Desea usted estar representado para los fines de negociar colectivamente por

LOCAL JOINT EXECUTIVE BOARD OF LAS VEGAS,
AW UNITE HERE INTERNATIONAL UNION?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE
MARQUE CON UNA "X" DENTRO DEL CUADRO DE SU SELECCIÓN

YES SI
<input type="checkbox"/>

NO NO
<input type="checkbox"/>

DO NOT SIGN THIS BALLOT. Fold and drop in the ballot box.
NO FIRME ESTA PAPELETA. Dóblela y depositela en la urna electoral.

If you spoil this ballot, return it to the Board Agent for a new one.
Si usted daña esta papeleta devuélvala al Agente de la Junta y pídale una nueva.

The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.

La Junta Nacional de Relaciones del Trabajo no respalda a ninguna de las opciones en esta elección. Cualquier marca que se pueda ver en cualquier muestra de la papeleta no fue hecha por la Junta Nacional de Relaciones del Trabajo.



Estados Unidos de América
Junta Nacional de Relaciones del Trabajo
AVISO DE ELECCIÓN



DERECHOS PARA EMPLEADOS – LA LEY FEDERAL LES DA EL DERECHO DE:

- **Formarse, unirse o apoyar a una unión**
- **Escoger a representantes para que negocien de su parte con su empleador**
- **Actuar junto con otros empleados por beneficio y protección mutua**
- **Elegir no participar en ninguna de estas actividades protegidas**
- **En un Estado donde tales acuerdos son permitidos, la Unión y el Empleador podrán celebrar un acuerdo legal de protección sindical que requiera que los empleados paguen cuotas periódicas y cuotas de iniciación. Los no-miembros que informen a la unión de su objeción a que sus pagos sean usados con propósitos no representativos, podrán ser requeridos de pagar solo la porción de los costos de la unión por actividades representativas (tales como negociación colectiva, administración de contratos y resolución de quejas).**

La Junta Nacional de Relaciones del Trabajo es responsable de proteger a los empleados en el ejercicio de estos derechos.

La Junta quiere que todos los votantes elegibles estén totalmente informados de sus derechos conforme a la ley Federal y cuando se celebren elecciones, quiere que ambos, los Empleadores y las Uniones, sepan que se espera de ellos.

Si los agentes, ya sean de las Uniones o de los Empleadores, interfieren con su derecho de tener una elección libre, justa y honesta, ésta podría ser desestimada por la Junta. Cuando es apropiado, la Junta proporciona otros recursos, tales como la reincorporación de los empleados que fueron despedidos por ejercer sus derechos, incluyendo el pago retroactivo de la parte que fue responsable de sus despidos.

Los siguientes son ejemplos de conductas que interfieren con los derechos de los empleados y que pudieran resultar en una desestimación de la elección:

- Un empleador o la unión que amenace con la pérdida de trabajos o beneficios.
- Una de las partes capaces que promete u otorga promociones, aumento de sueldos, u otros beneficios para influenciar el voto del empleado.
- Un empleador que despide a empleados para desalentar o alentar la actividad de unión, o una unión que cause sus despidos para alentar la actividad de la unión.
- Dar discursos de campaña para congrega grupos de empleados en horas de trabajo, donde la asistencia es obligatoria, dentro del periodo de las 24 horas antes de que los centros de votación abran por primera vez, o que las papeletas de votación por correo sean despachadas.
- Un empleador o la unión que instigue prejuicios raciales o religiosos por medio de apelaciones inflamatorias.
- Una unión o un empleador que amenace a los empleados con fuerza física o violencia para influenciar sus votos.

La Junta Nacional de Relaciones del Trabajo protege su derecho a una libre selección.

No se permitirán conductas inapropiadas. Se espera que todas las partes cooperen totalmente con esta Agencia para mantener los principios básicos de elecciones justas como es requerido por la ley.

Cualquier persona con preguntas sobre una elección puede contactar a la Oficina de la JNRT al (702)388-6416 o visitar la página web de la JNRT www.nlr.gov para ser asistido.

From: [Moore, Dawn M.](#)
To: [Lipkin, Harriet](#); [Eric Myers](#)
Subject: NP Palace LLC d/b/a Palace Station Hotel & Casino - Case 28-RC-184961
Date: Wednesday, November 23, 2016 12:45:43 PM
Attachments: [image001.png](#)
[ORD.28-RC-184961.Corrected Order Vacating NOH Approving Unilateral Stip Directing 2nd Election 11-23-16.pdf](#)

Please see the attached document.

Dawn M. Moore

Administrative Assistant
Region 28 – Las Vegas Resident Office
National Labor Relations Board
Foley Federal Building
300 Las Vegas Boulevard South, Suite 2-901
Las Vegas, NV 89101-5833
Tel: (702) 820-7466
Fax: (702) 388-6248



**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

**NP PALACE LLC D/B/A
PALACE STATION HOTEL & CASINO**

Employer

and

Case 28-RC-184961

**LOCAL JOINT EXECUTIVE BOARD OF
LAS VEGAS, A/W UNITE HERE
INTERNATIONAL UNION**

Petitioner

**CORRECTED ORDER VACATING NOTICE OF HEARING,
ORDER APPROVING UNILATERAL STIPULATED AGREEMENT
AND DIRECTION OF SECOND ELECTION**

Based on a petition filed on September 26, 2016¹, and pursuant to a Stipulated Election Agreement, an election was conducted on October 15 and 16, to determine whether a unit of employees of NP Palace LLC d/b/a Palace Station Hotel & Casino (the Employer) wished to be represented for purposes of collective bargaining by Local Joint Executive Board of Las Vegas a/w UNITE HERE International Union (the Petitioner).²

¹ All dates hereafter are in 2016.

² The voting unit consists of:

All full-time and regular part-time banquet captains, banquet servers, bar/beverage porters, bartenders, beverage servers, bus persons, concession workers, cooks, cook's helpers, counter attendants, food servers, gourmet host/cashiers, guest room attendants, host/cashiers, housepersons, kitchen runners, kitchen workers, lead attendants, pantry workers, porters, room runners, service bartenders, sprinters, stove persons, team member dining room attendants, and utility porters employed by the Employer in Las Vegas, Nevada, excluding all other employees, including all front-desk employees, bellpersons, valet parkers, gaming employees (dealers, slot attendants, cage cashiers), drivers, engineering and maintenance employees, office clerical employees, confidential employees, and all guards managers, and supervisors as defined in the Act.

The Tally of Ballots which was served on all the parties at the conclusion of the election shows the following:

Approximate number of eligible voters	586
Number of void ballots	3
Number of votes cast for Petitioner	262
Number of votes cast against participating labor organization(s)...	266
Number of valid votes counted	528
Number of challenged ballots	3
Number of valid votes counted plus challenged ballots.....	531

The challenges were not sufficient in number to affect the results of the election. Objections to conduct affecting the results of the election were timely filed by the Petitioner on October 21, with copies being served on all parties. On October 27, I issued an Order Directing Hearing on Objections and Notice of Hearing.

The objections read as follows:

THE OBJECTIONS

1. During the critical period, on or about September 30, 2016, the Employer announced that it would be giving employees a wage increase and that they would find out within the next weeks that their raises were. Prior to the election, the Employer brought employees to meet their managers one-on-one or in small groups to learn what their wage increase would be. At least one worker was told by a consultant from Cruz & Associates that it was the consultant who to the Employer to give the raise so that employees would not be against the company.
2. On multiple occasions throughout the critical period, the Employer explicitly and impliedly promised to bestow benefits upon employees if they voted against union representation, and did in fact grant such benefits. Benefits that were granted or promised are described below. Moreover, at various time during the critical period, the Employer directly and impliedly promised to bestow future benefits if employee rejected union representation. The Employer implored employee with statements to the effect that they should give (b) (6), (b) (7)(C) and/or its other managers “a chance” to continue to make things better for employees. In view of the benefits that had been specifically promised or granted (some of which were specifically mentioned by management in pleading for another opportunity), employees would reasonably understand the Employer’s supplications to give it “a

chance” to constitute an implied promise of future benefits if they voted against union representation.

3. On or about October 1, 2016, the Employer implemented a decrease in the cost of medical benefits that had been announced on September 3, 2016. In addition, on or about October 6, 2016, the Employer announced that the decrease in medical benefits would remain in effect throughout 2017.
4. During the critical period, the Employer made a reduction in the room credits that GRAs must clean.
5. During the critical period, the Employer announced that GRAs would get new linen carts.
6. During the critical period, the Employer made a favorable change in disciplinary policy for GRAs who accidentally take home room keys.
7. During the critical period, the Employer made a favorable change whereby GRAs were not required to clean the air conditioning filters.
8. During the critical period, the Employer promised that the renovations that would take place in guestrooms would not result in any layoffs to housekeeping employees.
9. During the critical period, the Employer made a favorable change in the lost-and-found policy governing housekeepers and other employees.
10. During the critical period, the Employer told employees “Santa’s list from housekeeping” still “has a whole lot of stuff on it.”
11. During the critical period, the Employer made a favorable change by providing additional staffing to help workers in the kitchen workers classification and by making scheduling changes that alleviated workload for kitchen workers.
12. During the critical period, the Employer provided new equipment, additional supplies, and other needed materials to employees across various classifications.
13. During the critical period, the Employer remodeled and/or implemented new amenities in the Employee Dining Room.
14. During the critical period, the Employer promised food & beverage employees better uniforms and solicited their options about how the uniforms should look.

15. During the critical period, the Employer promised to hire additional bar porters to assist in the food & beverage department.
16. During the critical period, the Employer promised to stock the bars with a wider selection of beverages (thereby increasing tip opportunities for food & beverage staff).
17. During the critical period, the Employer promised to review and make favorable changes to the food & beverage department scheduling.
18. During the critical period, the Employer promised that if employees voted against the election, it would fire an unpopular chef, as well as other unpopular managers.
19. During the 24-hour period prior to the election, the Employer raffled off valuable gifts to employees, including televisions, a “smartwatch” and bicycles.
20. During the critical period, the Employer solicited employee grievances and promised to improve them.
21. During the critical period, the Employer gave the impression that bargaining would be futile. It did, *inter alia*, by repeatedly stating that bargaining might take years or that it might even take “forever” to get a contract. During at least one captive audience meeting held by a (b) (6), (b) (7)(C) on or about September 29, 2016, the Employer’s consultant told employees that bargaining will be from “scratch” and would start from a “blank piece of paper.” Similar statements were made at other captive audience meetings.
22. During the critical period, the Employer announced that all benefits would be frozen or remain at *status quo* if the Petitioner won the election, and would only change if agreed to by the Employer. To the extent that the Employer contends (and proves) that wage increase announced on September 30, 2016 (see Objection 1) was part of a regularly scheduled wage adjustment program, the Employer’s statements were objectionable because they made no allowance for such assertedly regular raises.
23. At a meeting held on or about September 29, 2016, a Cruz & Associates representative warned employees that employees would not get the benefit of future automatic wage increases if the employees voted for union representation.
24. During the critical period, the Employer emphasized at captive audience meetings and elsewhere that Boulder Station employees, who had voted to unionize, had not received many of the benefits changes that Palace Station employees had received, including positive adjustments to the cost of medical

benefit. Furthermore, at a meeting held on or about September 29, 2016, a (b)(6), (b)(7)(C) consultant warned employees that if they unionized, they would not get the benefits that (b)(6), (b)(7)(C) had promised to give them.

25. During the critical period, Employer managers, supervisors, and agents, including (b)(6), (b)(7)(C), told employees to remove their union buttons.
26. During the voting process and at other times, the Employer, by and through (b)(6), (b)(7)(C) and others, engaged in surveillance and give workers the impression of surveillance.
27. During the critical period, the Employer made appeals to racial prejudice, stating that Mexican and other Latino workers supported the Petitioner because they're ignorant.
28. During the critical period, the Employer made coercive statements about employees whose pictures had appeared on union literature.
29. During the critical period, the Employer falsely attributed illegal and coercive statements to the Petitioner, such as statements that workers would lose their jobs depending on the outcome of the union election.

Pursuant to the Notice of Hearing duly served on the parties, a hearing was scheduled for November 15 at the National Labor Relations Board Resident Office in Las Vegas, Nevada. Prior to the opening of the hearing, the Employer entered into a Unilateral Stipulated Agreement to Set Aside Election and Conduct Rerun Election (Agreement)³ in this matter, Case 28-RC-184961, and agreed that I, without making findings of fact or conclusions of law, may set aside the election conducted on October 15 and 16, and direct a rerun election. Further, the Employer agreed to include notice language to ensure eligible voters are informed that a new election is being conducted by agreement of the Employer that the election conducted on October 15 and 16, 2016, was set aside based upon alleged objectionable conduct of the Employer that interfered with the employees' exercise of a free and reasoned choice consistent with *Lufkin Rule Co.*, 147 NLRB 341 (1964). Moreover, the Employer agreed to post a notice covering a pending charge, Case 28-CA-185945, assuming merit is found to the allegations contained in that charge. In the

³ A copy of the Agreement is attached.

Unilateral Stipulated Agreement, the Employer waived its right to submit any evidence pertaining to the objections filed on October 21, 2016; a hearing on the objections; a report on the objections; exceptions to any such report; a decision by me on the objections; a request for review of any such decision; review by the National Labor Relations Board (The Board) of any such decision; a decision and order of the Board on the objections; any other right or privilege it may have with respect to the objections under the National Labor Relations Act (the Act) or the Board's Rules and Regulations; and, any other proceedings related to the objections to which they may be entitled under the Act or the Board's Rules and Regulations. The Petitioner declined to enter into the Agreement.

CONCLUSION

Having considered the matter, I conclude that the Unilateral Stipulated Agreement is not inconsistent with an appropriate resolution of the issues raised by the objections. Based on the foregoing, I conclude that substantial and material factual issues that would require a hearing do not exist; therefore, it is not inconsistent with the purposes and policies of the Act for me to approve the Agreement. Accordingly, I am vacating the notice of hearing that issued on October 27; approving the unilateral stipulation executed by the Employer and directing a second election in this matter.

ORDER

Having fully considered the matter,

IT IS ORDERED that the Notice of Hearing issued on October 27, 2016 is vacated; and the Unilateral Stipulated Agreement is approved.

IT IS FURTHER ORDERED that the election conducted on October 15 and 16 is set aside and a second election will be conducted at a date to be determined. A Notice of Election reflecting the date, time and place of the second election will issue by further Order.

Dated at Phoenix, Arizona, this 23rd day of November 2016.

/s/ *Stephen E. Wamser*
Stephen E. Wamser, Acting Regional Director

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

**NP PALACE LLC D/B/A
PALACE STATION HOTEL & CASINO**

Employer

and

Case 28-RC-184961

**LOCAL JOINT EXECUTIVE BOARD OF
LAS VEGAS, A/W UNITE HERE
INTERNATIONAL UNION**

Petitioner

**AGREEMENT TO SET ASIDE ELECTION AND
CONDUCT RERUN ELECTION**

Based on a petition filed on September 26, 2016¹, and pursuant to a Stipulated Election Agreement, an election was conducted on October 15 and 16, to determine whether a unit of employees² of Palace Station Hotel & Casino (the Employer) wished to be represented for purposes of collective bargaining by Local Joint Executive Board of Las Vegas a/w UNITE HERE International Union (the Petitioner).

¹ All dates hereafter are in 2016.

² The voting unit consists of:

All full-time and regular part-time banquet captains, banquet servers, bar/beverage porters, bartenders, beverage servers, bus persons, concession workers, cooks, cook's helpers, counter attendants, food servers, gourmet host/cashiers, guest room attendants, host/cashiers, housepersons, kitchen runners, kitchen workers, lead attendants, pantry workers, porters, room runners, service bartenders, sprinters, stove persons, team member dining room attendants, and utility porters employed by the Employer in Las Vegas, Nevada, excluding all other employees, including all front-desk employees, bellpersons, valet parkers, gaming employees (dealers, slot attendants, cage cashiers), drivers, engineering and maintenance employees, office clerical employees, confidential employees, and all guards managers, and supervisors as defined in the Act.

The Tally of Ballots which was served on all the parties at the conclusion of the election shows the following:

Approximate number of eligible voters	586
Number of void ballots	3
Number of votes cast for Petitioner	262
Number of votes cast against participating labor organization(s)...	266
Number of valid votes counted	528
Number of challenged ballots	3
Number of valid votes counted plus challenged ballots.....	531

The challenges are not sufficient in number to affect the results of the election.

Objections to conduct affecting the results of the election were timely filed by the Petitioner on October 21, 2016, with copies being served on all parties.

The Employer desires to proceed with a rerun of the election and agrees to the setting aside of the election. The Employer neither contest nor admits that grounds exist for the Regional Director to set aside the election based upon the Employer engaging in objectionable conduct affecting the results of the election. The Employer agrees that the Regional Director shall conduct a rerun election among the employees in the unit described above. The Employer further stipulates and agrees to the following:

- 1. WAIVER.** The Employer waives the right to: (a) submission of any evidence pertaining to the objections filed on October 21, 2016; (b) a hearing on the objections; (c) a report on the objections; (d) exceptions to any such report; (e) a decision by the Regional Director on the objections; (f) a request for review of any such decision; (g) review by the National Labor Relations Board (The Board) of any such decision; (h) a decision and order of the Board on the objections; (i) any other right or privilege it may have with respect to the objections under the National Labor Relations Act (the Act) or the Board's Rules and Regulations; and (j) any other proceedings related to the objections to which they may be entitled under the Act or the Board's Rules and Regulations.
- 2. ELECTION.** A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

DATES: Saturday, February 11, 2017
a.m.

HOURS: 6:00 a.m. to 9:00

Sunday, February 12, 2017

11:00 a.m. to 2:00 p.m.

4:00 p.m. to 7:00 p.m.

6:00 a.m. to 9:00 a.m.

11:00 a.m. to 2:00 p.m.

4:00 p.m. to 7:00 p.m.

PLACE: In the Employer's Salon A (Banquet Area)
2411W. Sahara Avenue
Las Vegas, Nevada

The rerun election will be scheduled following any notice posting pursuant to any informal Board settlement agreement in Case 28-CA-185945 and any other charge the Petitioner may file, including, but not limited to, charges alleging as unfair labor practices the same conduct the Petitioner alleged as objections to the October 15 and 16, 2016, election. If the rerun election is postponed or canceled, including because of any notice posting pursuant to any informal Board settlement agreement not being posted for sixty (60) days, the Regional Director, in his discretion, may reschedule the date, time, and place of the rerun election.

3. **UNIT AND ELIGIBLE VOTERS.** The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All full-time and regular part-time banquet captains, banquet servers, bar/beverage porters, bartenders, beverage servers, bus persons, concession workers, cooks, cook's helpers, counter attendants, food servers, gourmet host/cashiers, guest room attendants, host/cashiers, housepersons, kitchen runners, kitchen workers, lead attendants, pantry workers, porters, room runners, service bartenders, sprinters, stove persons, team member dining room attendants, and utility porters employed by the Employer in Las Vegas, Nevada.

Excluded: All other employees, including all front-desk employees, bellpersons, valet parkers, gaming employees (dealers, slot attendants, cage cashiers), drivers, engineering and maintenance employees, office clerical employees, confidential employees, and all guards managers, and supervisors as defined in the Act.

Those eligible to vote in the rerun election are employees in the above unit who are employed during the payroll period preceding the Notice of Rerun Election which will follow upon completion of compliance in Case 28-CA-185945, including employees who did not work during that period because they were ill, on vacation or were temporarily laid off work.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the rerun election date, who have retained their status as strikers

but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 1.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the rerun election date, and (3) employees engaged in an economic strike which began more than 12 months before the rerun election date who have been permanently replaced.

4. **VOTER LIST.** Within 2 business days after the Regional Director issues the Notice of Rerun Election, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.
5. **THE BALLOT.** The Regional Director, in his discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Rerun Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by Local Joint Executive Board of Las Vegas a/w UNITE HERE International Union?" The choices on the ballot will be "Yes" or "No."

6. **NOTICE OF RERUN ELECTION.** The Regional Director, in his discretion, will decide the language(s) to be used on the Notice of Rerun Election. The Employer must post copies of the Notice of Rerun Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day of the rerun election. The Employer must also distribute the Notice of Rerun Election electronically, if the Employer customarily communicates with employees in the

unit electronically. Failure to post or distribute the Notice of Rerun Election as required shall be grounds for setting aside the rerun election whenever proper and timely objections are filed.

The following language will be included on the Notice of Rerun Election:

The election conducted on October 15 and 16, 2016, was set aside by agreement of the Employer based upon alleged objectionable conduct of the Employer that interfered with the employees' exercise of a free and reasoned choice. Therefore, a new election will be held in accordance with the terms of this notice of election. All eligible voters should understand that the National Labor Relations Act, as amended, gives them the right to cast their ballots as they see fit and protects them in the exercise of this right, free from interference by any of the parties.

7. **NOTICE OF RERUN ELECTION ONSITE REPRESENTATIVE.** The following individual will serve as the Employer's designated Notice of Rerun Election onsite representative: Michael Edmonds, Director of Human Resources, 2411 W. Sahara Avenue, Las Vegas, Nevada, Michael.Edmonds@stationcasinos.com, and fax number is 702-367-6138.
8. **ACCOMMODATIONS REQUIRED.** All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in this election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.
9. **OBSERVERS.** Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the rerun election, to challenge the eligibility of voters, and to verify the tally.
10. **TALLY OF BALLOTS.** Upon conclusion of the rerun election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.
11. **POSTELECTION AND RUNOFF PROCEDURES.** All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**NP PALACE LLC D/B/A PALACE
STATION HOTEL & CASINO**

By Harriet Zepkin 11/22/16
(Name) (Date)

KDH

From: [Thomas Moore](#)
To: [Baynes, Barbara](#)
Cc: [Kahanek, Jessica](#)
Subject: Re: Palace station (Station Casinos, LLC Elections and Charges)
Date: Tuesday, December 27, 2016 12:00:30 PM

Barbara, thanks for this.

And we can call you a NLRB spokesperson for this information. However, unless something else happens, we're probably not going to run anything until there's a decision about the ULP's or an election is scheduled.

Jessica, is there a way to get a notice when one of those things happens?

From: Barbara Baynes <Barbara.Baynes@nlr.gov>
Date: Friday, December 23, 2016 at 12:19 PM
To: Thomas Moore <thomas.moore@gmgvegas.com>
Cc: "Kahanek, Jessica" <Jessica.Kahanek@nlr.gov>
Subject: RE: Palace station (Station Casinos, LLC Elections and Charges)

Hello Thomas,

I have copied our Press Secretary Jessica Kahanek in this email. As per our communications about this matter or other matters in the future, please be advised that I can provide you with this type of information and general information about the Agency, but if you choose to print our communication in the newspaper, please do not provide direct attribution or list me as the source of the information. Please let me know if you are unable to do this.

As to your question below, there is no scheduled election date. The petitioner is not required to provide any advance notice to the Agency before filing a petition for an election. When there are objections to an election and/or certain meritorious Unfair Labor Practice charges, the possibility of a re-run election, based on the parties mutual agreement and/or as directed by the Regional Director, exist. There are four related ULP's currently under investigation. The Regional Director may decide these charges before or by the end of this month.

Best Regards,

Barbara B. Baynes
Resident Officer
United States Government
National Labor Relations Board
Region 28-Resident Office
300 Las Vegas Blvd South- Suite 2-901
Las Vegas, NV 89101-5833
Main line (702) 388-6416

Direct line (702) 820-7460

Fax line (702) 388-6248

From: Thomas Moore [<mailto:thomas.moore@gmgvegas.com>]

Sent: Wednesday, December 21, 2016 10:23 AM

To: Baynes, Barbara <Barbara.Baynes@nlrb.gov>

Subject: Re: Palace station

Thanks Barbara. I just need to keep an eye on this and I appreciate your help.

Any word now? How much advance notice do they have to give you before they can hold another election?

From: Barbara Baynes <Barbara.Baynes@nlrb.gov>

Date: Monday, December 5, 2016 at 10:48 PM

To: Thomas Moore <thomas.moore@gmgvegas.com>

Subject: RE: Palace station

Hello Mr. Moore,

Sorry for the delayed response. I am out of the office. No, there is no scheduled date for a Palace Station election.

Barbara B. Baynes

Resident Officer

United States Government

National Labor Relations Board

Region 28-Resident Office

300 Las Vegas Blvd South- Suite 2-901

Las Vegas, NV 89101-5833

Main line (702) 388-6416

Direct line (702) 820-7460

Fax line (702) 388-6248

From: Thomas Moore [<mailto:thomas.moore@gmgvegas.com>]

Sent: Friday, December 02, 2016 12:02 PM

To: Baynes, Barbara <Barbara.Baynes@nlrb.gov>

Subject: Palace station

Hey Barbara, it's Thomas at the Las Vegas Sun.

Has the new election at Palace Station been scheduled yet?

Thomas Moore

Gaming Reporter | Las Vegas Sun

1 (702) 513 2612 @thdomo thomas.moore@gmgvegas.com

2275 Corporate Circle, 3rd Floor

Henderson, NV 89074

From: [Moore, Dawn M.](#)
To: [Lipkin, Harriet](#); [Eric Myers](#)
Subject: Station Casinos, LLC / Cases 28-CA-185945, et al.
Date: Friday, January 6, 2017 6:46:24 PM
Attachments: [image001.png](#)
[LTR.28-CA-185945.10\(j\) Letter to Parties 1-6-17.pdf](#)

Please see the attached document.

Dawn M. Moore

Administrative Assistant
Region 28 – Las Vegas Resident Office
National Labor Relations Board
Foley Federal Building
300 Las Vegas Boulevard South, Suite 2-901
Las Vegas, NV 89101-5833
Tel: (702) 820-7466
Fax: (702) 388-6248





UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 28
2600 NORTH CENTRAL AVENUE, SUITE 1400
PHOENIX, AZ 85004-3019

Agency Website: www.nlrb.gov
Telephone: (602) 640-2160
Fax: (602) 640-2178

January 6, 2017

Harriet Lipkin, Attorney at Law
DLA Piper, LLC
500 8th St NW
Washington, DC 20004
E-Mail: harriet.lipkin@dlapiper.com

Eric Myers, Attorney at Law
Davis, Cowell & Bowe, LLP
595 Market Street, Suite 800
San Francisco, CA 94105
E-Mail: ebm@dcbsf.com

Re: Station Casinos LLC, et al.
Cases 28-CA-185945, 28-CA-187286,
28-CA-188543, 28-CA-188547 and
28-CA-190629

Dear Ms. Lipkin and Mr. Myers:

This letter is to afford you an opportunity to present any evidence you may wish the Region to consider with respect to the appropriateness of 10(j) relief. The Charging Party and the Charged Party are invited to file position statements and evidence with me at the office of Region 28 of the National Labor Relations Board located at 2600 North Central Avenue, Suite 1400, Phoenix, Arizona, 85004-3099, **on or before January 13, 2017**, addressing the injunctive relief issues raised in this case. Absent extraordinary circumstances, no extensions of time will be granted for the filing of these position statements.

I. The Charges

The charge in Case 28-CA-185945, was filed on October 11, 2016, by Local Joint Executive Board of Las Vegas (Charging Party or Union), alleging, that Station Casinos LLC (Charged Party or Employer), violated Sections 8(a)(1) and (3) of the Act, by granting a favorable cost adjustment in the medical plan to employees employed at Palace Station Casino & Casino, Texas Station Gambling Hall & Hotel, Sunset Station Hotel & Casino, Fiesta Henderson Casino & Hotel, Green Valley Ranch Resort Spa Casino, Santa Fe Station Hotel & Casino, Fiesta Casino & Hotel, and Red Rock Casino Resort & Spa, thereby interfering with, restraining or coercing employees employed at these properties in the exercise of their Section 7

rights and by discriminatorily withholding a favorable cost adjustment in the medical plan from unionized Boulder Station Hotel & Casino employees because they chose to unionize.

The charge in Case 28-CA-187286, was filed on October 31, 2016, by the Union alleging that the Employer violated Sections 8(a)(1), (3), and (5) of the Act, by significantly reducing the On-Call hours for employees at Boulder Station Hotel & Casino, thereby changing the status quo without notifying or bargaining with the Union and by significantly reducing the On-Call hours for employees at Boulder Station Hotel & Casino in retaliation for the employees' support of the Union.

The charge in Cases 28-CA-188543 and 28-CA-188547, were filed on November 21, 2016, by the Union alleging that the Employer violated Section 8(a)(1) of the Act, by soliciting grievances from employees to dissuade them from supporting the Union, by promising to remedy grievances and confer benefits upon employees to dissuade them from supporting the Union, and by granting benefits to employees to dissuade them from supporting the Union.

The charge in Case 28-CA-190629, was filed on December 30, 2016, by the Union alleging that the Employer violated Section 8(a)(1) and (5) of the Act, by refusing to recognize and bargain with the Union as the collective-bargaining representative of its employees at Palace Station Hotel & Casino. In addition, the charge alleges that due to the serious and substantial nature of the unfair labor practices committed by the Employer, there is only a slight possibility of traditional remedies erasing the effects of the unfair labor practices so that a fair election can be conducted. Based on the forgoing, the charge requests a bargaining order.

II. The Injunctive Relief Issue

If the allegations contained in the charges are found to be meritorious, it may be appropriate for me, sua sponte, to obtain from the Board authorization to seek injunctive relief in Federal District Court under Section 10(j) of the Act. An injunction action would seek to have the Court issue an order that, among other things, would require the Charged Party to:

- Cease and desist from engaging in unlawful conduct.
- Recognize and bargain with the Union as the employees' exclusive bargaining representative under *NLRB v. Gissel Packing Co., Inc.*, 395 U.S. 575 (1969).
- Read the Federal District Court's Order to its employees.

Finally, an injunction action would seek an interim cease and desist order, and other appropriate interim relief as defined under the standards of the Ninth Circuit Court of Appeals.

In determining whether injunctive relief is appropriate, the Ninth Circuit considers the following four factors:

- (1) the likelihood of the party seeking injunctive relief succeeding on the merits of the case;
- (2) the likelihood of irreparable injury being suffered by the employees involved if relief is not granted;
- (3) the extent to which the balance of hardships favors the respective parties; and
- (4) whether the public interest will be advanced by the provision of preliminary relief.¹

Your position statement should address each of these factors in the context of the allegations described above. Additionally, your position statement should explain why traditional Board remedies are, or are not, sufficient to remedy the alleged unfair labor practices. This explanation should include how the alleged violations may or may not have impacted on the Union activities of the Charged Party's employees and the level of support for the Union exhibited by employees. Among other things, you should present evidence concerning the following:

- (1) Whether or not and to what degree the Employer's employees have abandoned their allegiance to the Union as a result of the Employer's actions including, for example, instances in which employees have refused to talk to Union organizers, accept Union literature, wear Union insignia, or assume Union leadership positions; lower attendance at Union meetings; requests to revoke authorization cards; reduction in rate at which authorization cards are signed; or the circulation of anti-Union petitions.
- (2) The extent to which the alleged unfair labor practices were disseminated to and among the Employer's employees.
- (3) Statements by employees that they are afraid for their jobs, afraid to support the Union, or no longer see a need for the Union.
- (4) Is there a drop in Union membership?
- (5) Statements of dissatisfaction by employees, including desire to strike, engage in work stoppages, or violence.

¹ In *Miller v. California Pacific Medical Center*, 9 F.3d 440 (9th Cir. 1994), the Ninth Circuit Court of Appeals considered the above traditional equitable criteria in reviewing the grant of a preliminary injunction. The Ninth Circuit has clarified the controlling standard for injunctive relief in light of the Supreme Court's decision in *Winter v. Natural Res. Def. Council*, 555 U.S. 7 (2008). See *Frankl v. HTH Corp.*, 650 F.3d 1334 (9th Cir. 2011).

III. Electronic and Facsimile Filing

As an alternative to the usual mailing of position letters, position letters may be filed electronically by using the E-Filing system on the Agency's web site. To file documents electronically, go to www.nlr.gov, click on **E-File Documents**, and follow the detailed instructions. The position letter may also be filed by facsimile transmission to (602) 640-2178.

IV. Your Obligation to Cooperate with the Investigation

Please understand that this request for a position statement on the warrant for 10(j) relief is separate and different from our request that you fully cooperate in the investigation of the merits of the charge and does not constitute a substitution for such full cooperation. Full cooperation with our investigation into the merits of the charge includes making witnesses available in a timely fashion for the taking of affidavits by a Board Agent. The submission of a position statement on the merits of the charge, by itself, does not constitute full cooperation in the investigation.

Should you have any questions regarding this matter, do not hesitate to speak with Board Agent Brit Hagan, who may be reached at (702) 820-7465 or via email at Briton.Hagan@nlrb.gov.

Very truly yours,

/s/ Cornele A. Overstreet

Cornele A. Overstreet
Regional Director

CAO/BAH/dmm

From: [Moore, Dawn M.](#)
To: [Lipkin, Harriet](#); [Eric Myers](#); [Kim Weber](#)
Subject: NP Palace LLC D/B/A Palace Station Hotel & Casino - Case 28-RC-184961
Date: Tuesday, February 7, 2017 6:17:12 PM
Attachments: [image001.png](#)
[ORD.28-RC-184961.Order Postponing Election Indefinitely 2-7-17.pdf](#)

Please see the attached document.

Dawn M. Moore

Administrative Assistant
Region 28 – Las Vegas Resident Office
National Labor Relations Board
Foley Federal Building
300 Las Vegas Boulevard South, Suite 2-901
Las Vegas, NV 89101-5833
Tel: (702) 820-7466
Fax: (702) 388-6248



**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

**NP PALACE LLC D/B/A
PALACE STATION HOTEL & CASINO**

Employer

and

Case 28-RC-184961

**LOCAL JOINT EXECUTIVE BOARD OF
LAS VEGAS, A/W UNITE HERE
INTERNATIONAL UNION**

Petitioner

ORDER POSTPONING ELECTION INDEFINITELY

Pending the investigation and disposition of related unfair labor practice charges filed against the Employer in Cases 28-CA-185945, 28-CA-188543, 28-CA-188547, and 28-CA-190629,

IT IS ORDERED that the rerun election in the above matter, scheduled for Saturday, February 11, 2017, and Sunday, February 12, 2017, in the Employer's Salon A (Banquet Area) located at 2411 W. Sahara Avenue, Las Vegas, Nevada, is postponed indefinitely.

Dated at Phoenix, Arizona, this 7th day of February 2017.

/s/ Cornele A. Overstreet
Cornele A. Overstreet, Regional Director

From: [Moore, Dawn M.](#)
To: [Lipkin, Harriet](#); maria.trejo@stationcasinos.com; [Hernandez, Derek](#); nganatra@uaw.net
Subject: Boulder Station Casino / Case 28-RC-201756
Date: Thursday, July 6, 2017 7:00:59 PM
Attachments: [image001.png](#)
[ORD.28-RC-201756.Order PP Deadline for Filing SOP and PP Hearing 7-6-17.pdf](#)

Please see the attached document.

Dawn M. Moore

Administrative Assistant
Region 28 – Las Vegas Resident Office
National Labor Relations Board
Foley Federal Building
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NATIONAL LABOR
RELATIONS BOARD



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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

BOULDER STATION CASINO

Employer

and

Case 28-RC-201756

**INTERNATIONAL UNION, UNITED AUTOMOBILE,
AEROSPACE AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA (UAW)**

Petitioner

**ORDER POSTPONING DEADLINE FOR FILING
STATEMENT OF POSITION AND POSTPONING HEARING**

On July 3, 2017, a Notice of Representation Hearing issued in the above matter requiring the Employer to submit a Statement of Position by 12:00 p.m. (local time) on July 10, 2017, and scheduling a hearing to commence at 10:00 a.m. (local time) on July 11, 2017. On July 5, 2017, Counsel for Boulder Station Casino (Employer) requested to postpone the representation hearing to July 12, 2017. In addition, the Employer submitted a request to postpone the Statement of Position deadline to the end of the day on July 11, 2017. Petitioner does not oppose the Employer's request to postpone the Statement of Position deadline or its request to postpone the representation hearing. Having considered the request, I find that special circumstances warranting a one-day postponement of the Statement of Position and the representation hearing have been established. Accordingly,

IT IS ORDERED that the request to postpone the Statement of Position deadline but only until 12:00 p.m. (local time) on July 11, 2017, be and is, granted.

IT IS ORDERED that the request to postpone the hearing until July 12, 2017, be and is, granted, and that the hearing will be conducted on that date at the same time and location previously noticed.

Dated at Phoenix, Arizona, this 6th day of July 2017.

/s/ **Nancy E. Martinez**

Nancy E. Martinez, Acting Regional Director
National Labor Relations Board - Region 28

From: [Zayas, Christian D.](#)
To: Kevin.Harlow@dlapiper.com; Daniel.Lac@dlapiper.com; hmw@ssdslaw.com; dwh@ssdslaw.com; bsimmons@uaw.net; dhernandez@uaw.net
Subject: NP BOULDER LLC / Case 28-RC-201756
Date: Monday, July 17, 2017 7:41:59 PM
Attachments: [image001.png](#)
[DDE.28-RC-201756.Decision and Direction of Election.pdf](#)
[NEE.28-RC-201756.Notice of Election-Manual.pdf](#)

Gentlemen,

Please see attached.

V/R

Christian D. Zayas
Secretary to the Assistant Regional Director
2600 North Central Avenue, Suite 1400
Phoenix, AZ 85004-3099
(602)416-4772



NATIONAL LABOR
RELATIONS BOARD

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

NP BOULDER LLC

Employer

and

Case 28-RC-201756

**INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE &
AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA, UAW**

Petitioner

DECISION AND DIRECTION OF ELECTION

International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW (Petitioner) seeks to represent a unit of full-time and regular part-time guest service ambassadors (GSAs) employed by NP Boulder LLC (the Employer) at its facility in Las Vegas, Nevada. The Employer asserts that Petitioner cannot be certified as the representative of the employees in the petitioned-for unit under Section 9(b) (3) of the National Labor Relations Act (the Act) because the unit includes guards, and Petitioner admits employees other than guards to membership. The Employer also requested the issuance of a protective order barring disclosure of certain evidence presented at the hearing and the imposition of a ban on electronic devices in the voting area.

A hearing officer of the National Labor Relations Board (the Board) held a hearing in this matter, and the parties orally argued their respective positions prior to the close of the hearing. As explained below, based on the record and relevant Board decisions, I find the GSAs are not guards. I further find that it is not appropriate for me to issue a protective order or to impose a ban on electronic devices in the voting area in these pre-election proceedings.

I. FACTS

A. The Employer's Slot Operations

The Employer operates the Boulder Station Hotel and Casino in Las Vegas, Nevada. The Employer's facility includes 90,000 square feet of gaming space, with 2,540 slot machines, 10 to 50 percent of which are in use at any given time. The slot machines are divided into nine slot sections.

The Employer employs approximately 54 GSAs, whom it assigns to work 8-hour shifts: a day shift starting between 8:00 and 9:00 a.m., a swing shift starting between 4:00 and 5:00 p.m., and a moonlight or grave shift starting between midnight and 1:00 a.m. It assigns about 7 to 10 GSAs to the day shift, 10 to 13 to the swing shift, and 4 to 7 on the moonlight or grave shift. GSAs spend 7 hours of their 8-hour shifts on the gaming floor. The physical area of the gaming floor covered by each GSA depends on the Employer's business volume at the time. GSAs, like the Employer's other gaming employees, have gaming licenses from the Nevada Gaming Commission. GSAs receive training on recognizing counterfeit bills but, unlike security personnel, do not receive bicycle or weapons training. The pay scale for GSAs ranges from \$10.55 to over \$13.00 per hour.

GSAs must wear black or dark-colored pants and may wear either a standard red-collared uniform shirt or a promotional t-shirt advertising current Employer campaigns or promotions. GSAs wear name tags on their shirts. Other gaming employees, such as blackjack, bingo, keno, and sports book employees, also may wear the same promotional t-shirt as the GSAs. GSAs have two-way radios, usually with ear pieces, which they use to communicate with supervisors, dispatchers, or security. GSAs have swipe cards they use to access an area where they check out slot machine keys and fobs and receive currency and finish transactions at a secondary counter and to access the back of the house. Unlike security personnel, GSAs cannot access the Employer's soft count room, IT server room, or surveillance room. Further, unlike security personnel, GSAs do not carry firearms or other weapons.

GSAs belong to the Employer's slot operations department, which is comprised of GSAs, on the operations side, and slot technicians, on the technical side. Each week, six to eight GSAs function as step-up GSAs and are given some supervisory responsibilities. GSAs report to Guest Service Supervisors, who report to Slot Shift Managers, who report to the Director of Slot Operations.

GSAs have a variety of responsibilities related to the Employer's slot machine operations. The Employer's job description for GSAs summarizes the position as follows:

Team Member must have a very outgoing and positive demeanor and be passionate about guest service. Position entails hosting a designated slot section by providing guest service, maintaining the cleanliness of the section as well as ensuring all machines are operational and ready for play. Team Member is expected to cultivate new guest relationships and to maintain existing guest relationships by providing friendly and efficient "Beyond the Best" service to all guests.

The job description then lists a number of specific responsibilities.

GSAs serve as an extension of the Employer's cashiers by cashing out casino guests without requiring them to go to a cashier or a cash dispensing machine. Guests at the Employer's slot machines insert cash into slot machines and cash out with EZ-Pay tickets when they are ready to leave a slot machine. EZ-Pay tickets are redeemable cash vouchers which may be redeemed through the GSA, at the cashier, or at a cash dispensing machine. While

monitoring their respective slot sections, GSAs carry a sum of cash sufficient to pay out most EZ-Pay tickets. The GSAs use handheld devices to scan EZ-Pay tickets presented by guests to cash out. To use the handheld devices, the GSAs must select a box labeled “Start Cashier Session.” After the GSAs start their cashier sessions with the devices, they validate the EZ-Pay tickets with the devices. Once the tickets are validated, the GSAs are able to pay out amounts below \$3,000. If a ticket is worth \$3,000 or more, a lead must approve payment. GSAs are also responsible for breaking bills for guests. Because of this cashier function, GSAs receive training in identifying counterfeit bills. The Employer’s Slot Department Policy & Procedure manual instructs GSAs that, “If counterfeit is suspected call the Leadership Team IMMEDIATELY without alarming the guest. Retain bill. Let guest know you need assistance to verify.” Cage team employees and other gaming employees, including table game employees, bingo employees, keno employees, and sports book employees, also receive training on recognizing counterfeit bills.

GSAs also assist guests to win jackpots of over \$1,200. When a guest wins a jackpot, the machine freezes, and the GSA approaches the guest, checks his or her identification, completes a W-2G form for United States citizens or a 1042-S form for non-citizens, verifies the guest’s social security number through an Internal Revenue Service system, and either pays the guest if the jackpot is small in relation to the amount in the GSA’s pouch or brings the guest to a station to be paid if the jackpot is large in relation to the amount in the GSA’s pouch. Since guests sometimes play multiple machines at the same time, at times playing machines that are some distance from each other, GSAs are expected to keep track of which guest is playing which machines, so one guest will not claim a jackpot won on another guest’s machine.

GSAs solicit guests to sign up for member reward cards called Boarding Passes. One GSA is stationed outside the buffet and is responsible for soliciting guests in the buffet line to sign up guests for Boarding Passes, only assisting GSAs in the physical slot area as needed. Two GSAs testified that GSAs are told to sign up at least two guests for Boarding Passes each shift, but one of those GSAs testified that he tries to sign up as many as he can. Generally, it takes about three minutes to sign a guest up for a Boarding Pass, although the amount of time it takes depends on the guest’s familiarity with the system, since GSAs need to explain how to use the passes to guests who are not familiar with them. The Employer’s marketing team is also responsible for signing guests up for Boarding Passes.

GSAs are expected to greet each guest who enters their assigned area. They determine the extent to which they will interact with each guest depending on their assessment of the guest’s interest. Their greeting to some guests, such as guests who are leaning forward and focusing on the machines they are playing, may consist of as little as mere eye contact. GSAs are also expected to make personalized recommendations to guests interested in interacting, for instance by suggesting that they play particular machines.

GSAs must also respond to service lights in their assigned areas and reset machines when needed to ensure that they are functioning. Slot technicians also perform this same function.

In monitoring their slot sections, GSAs are instructed to watch out for certain things. GSAs are expected to watch out for unaccompanied minors. If they see an unaccompanied

minor, they will tell the minor to leave the gaming area, or tell their parents to take them out of the gaming area. GSAs are expected to check the identification of any person appearing to be under the age of 30. One GSA testified that he asks guests for identification at least once or twice a day. GSAs do not escort underage guests off the gaming floor, and, if they refuse to leave when instructed, GSAs call security. Other gaming employees are also required to ensure there are no minors on the gaming floor, though GSAs have a greater likelihood of encountering unaccompanied minors because of their mobility. Cocktail waitresses, who also move around the gaming floor, are also expected to watch out for unaccompanied minors, but, unlike GSAs, they simply contact security if they see a minor, instead of directly telling the minor to leave or telling the minor's parent to take the minor off the gaming floor.

GSAs are also required to watch out for guests who have been banned because of past fraud, theft, or conflict with other guests, and to contact a supervisor or security if they see a banned guest. Two GSAs testified, however, that they have never noticed a banned guest on the property. GSAs must also watch out for guests exploiting machines or engaging in behaviors indicative of money laundering and report such activities to a supervisor or security. One GSA testified, however, that it would be difficult for him to notice if a guest were exploiting a machine because he did not know how guests would do that, and another testified that he had only once noticed a guest doing something he thought was indicative of cheating over 20 years ago when the Employer was still using mechanical machines that distributed coins. GSAs are also to report any employees seen gaming within 30 minutes of the start of their shifts or in uniform, in violation of the Employer's rules, to their supervisors. The Employer's Director of Slot Operations could recall GSAs reporting employees seen gaming in violation of these rules twice in the last 30 days, but one GSA testified that he had never seen any employee engaging in such conduct.

The Employer's Director of Slot Operations and former Director of Security both testified at the hearing that if there was some sort of demonstration or group activity on the Employer's property, the GSAs would not be expected to monitor or respond to the situation. Typically security personnel and/or management would respond. GSAs are expected to call security to respond to altercations or medical emergencies and not to physically intervene themselves. GSAs call dispatchers for assistance to responding to less serious problems on the floor, such as a bag being left behind or a guest sleeping at a machine, and the dispatchers would, in turn, dispatch security personnel. GSAs do not prepare incident reports concerning incidents occurring in their assigned areas.

B. The Employer's Security Operations

The Employer employs two classes of security personnel: security officers (SOs), who work on foot on the Employer's casino floor and throughout the Employer's property, and security bike officers (SBOs), who ride bicycles on the Employer's property.

SOs wear dark blue cargo pants, dark blue shirts, name tags, metal badges, and belts with flashlights, handcuffs, and gloves. SBOs wear high visibility neon yellow shirts, dark blue cargo shorts or pants, a name tag, the same metal badge as SOs, and belts with flashlights, handcuffs, gloves, pepper spray, extendable batons, and firearms. Neither SOs nor SBOs are given the

option to wear the same promotional t-shirt as GSAs and other gaming department employees. SOs and SBOs must undergo training and obtain certification to carry pepper spray, extendable batons, and firearms. Security personnel can work a day shift from roughly 7:00 a.m. to 3:00 p.m., a swing shift from roughly 3:00 p.m. to 11:00 p.m., a graveyard shift from roughly 11:00 p.m. to 7:00 a.m., or a power shift running from about 7:00 p.m. to 3:00 a.m. during the highest guest volume period. The pay scale for security personnel starts at \$13.50 an hour.

SOs and BSOs, who are part of the Security Department, are supervised by Security Supervisors, who in turn are supervised by the Director of Security.

The Employer's maintains security personnel for the express purpose of patrolling its facility and enforcing rules. Security personnel are responsible for, among other things: responding to and assisting in all emergencies, including criminal activity; patrolling grounds to maintain safety for all guests and employees; responding to disturbances including those that may require physical confrontation; transporting and protecting the Employer's funds; conducting preliminary investigations; writing incident reports; and enforcing all applicable laws, policies, and procedures. The Employer's job description for SOs summarizes their responsibilities as follows:

Ensure the safety and security of guests, Team Members and Company assets.
Perform responsibilities in accordance with all Company standards, policies, and procedures.

The job description then lists a number of specific responsibilities.

SOs are assigned to posts. The Employer has fixed security posts at the entrances and exits of its facility where SOs monitor the entrances and exits. There is a security post on the casino floor that is raised up so the SOs stationed there have a vantage point of the casino floor. Aside from fixed posts, SOs can be assigned to patrol certain areas of the casino. BSO's ride the bicycles on the exterior of the Employer's property. BSOs are able to substitute for SOs.

Both SOs and BSOs receive training in certain security procedures, including: security training by field training officers; emergency medical response training; and corporate security training. BSOs undergo an additional three to five weeks of bicycle training and a proficiency test with weapons. Security personnel have unrestricted access to the Employer's property as needed in the performance of their work, with the exception of requiring an escort when visiting the soft count room, the IT server room, and the surveillance room.

There is no evidence of GSAs working as SOs or BSOs on a temporary basis or permanently transferring to SO or SBO positions, and there is no evidence of SOs or BSOs working as GSAs on a temporary basis or permanently transferring to GSA positions.

II. ANALYSIS

A. Non-Guard Status of Guest Service Ambassadors

Section 9(b) (3) of the Act prohibits the Board from certifying a labor organization as the representative of a guard unit if the labor organization has members who are non-guard employees. The Employer asserts the GSAs are guards because the core function of a GSA is to enforce the Employer's rules and policies against guests and employees to safeguard the Employer's property and assets. The parties stipulated that Petitioner admits non-guards to membership.

To be a guard under the Act, an individual must enforce rules to protect the property of the employer's premises against employees and other persons. *Reynolds Metal Co.*, 198 NLRB 120, 120 (1972). "[T]he Board has determined that employees are guards within the meaning of the Act if they are charged with guard responsibilities that are not a minor or incidental part of their overall responsibilities." *Boeing Co.*, 328 NLRB 128, 130 (1999).

"Guard responsibilities include those typically associated with traditional police and plant security functions, such as the enforcement of rules directed at other employees; the possession of authority to compel compliance with those rules; training in security procedures; weapons training and possession; participation in security rounds or patrols; the monitor and control of access to the employer's premises; and wearing guard-type uniforms or displaying other indicia of guard status." *Boeing Co.*, 328 NLRB 128, 130 (1999). The Board has rejected the assertion that an employee's "responsibility to report security problems confers guard status." *Id.* at 131.

While the Employer instruct GSAs, as part of their job duties, to report to management or security if they see someone cheating, a banned person, or various other violations of the Employer's rules, "[a] reporting function alone, without significant security-related responsibilities, [does not] confer guard status." *Boeing* at 131. In *Boeing*, the Board rejected as guards firefighters who were required "to be alert for suspicious activity while on their tours and question unfamiliar individuals on the premises" as well as "report suspicious activity to the security department rather than deal directly with it themselves." *Id.* at 131. The Board determined that "to the extent that the firefighters'...duties conferred upon them some limited guard responsibilities, those responsibilities were only a minor and incidental part of their overall responsibilities...and, thus, do not transform the firefighters into statutory guards." *Id.* at 131.

The Employer has not supported its claim that GSAs are guards. The evidence presented does not show that GSAs enforce rules to protect property against employees and other persons. Instead, the evidence shows that the Employer's SOs and BSOs enforce rules. From the evidence of record, the GSAs do not perform any of the traditional guard responsibilities identified by the Board in *Boeing*. The GSAs were not hired to perform any security functions, and perform no security functions beyond what would be expected of any other employees.

One of the cases cited by the Employer in support of its contention the GSAs are statutory guards, *A. W. Schlesinger Geriatric Center*, 267 NLRB 1363 (1983), is easily distinguishable from the instant case. At issue there was whether two employees who were hired

“with the specific intent of meeting security needs” were statutory guards. *Id.* at 1363. Critical in the Board’s determination that those individuals were guards was that “the two night and weekend maintenance employees are employed for security purposes” and “[i]n performing their security functions they enforce against employees and other persons rules to protect the safety of persons on the Employer’s premises, keep unauthorized persons off the property, and protect the premises” *Id.* at 1364. One need look no further than the job description and responsibilities of GSAs to see they are not “employed for security purposes.”

Any guard-like responsibilities conferred on the GSAs are, like the firefighters in *Boeing*, a minor and incidental part of their primary responsibility of providing services to guests gambling on the Employer’s slot machines. The Employer has employees its clearly categorizes as guards, the SOs and BSOs. The SOs and BSOs wear metal shields, much like law enforcement officers, and can even carry firearms in certain instances. They have a separate organizational structure from the GSAs and have completely different job functions, aimed at protecting the Employer’s property, assets, guests, and employees. Unlike GSAs, who confront guests (unaccompanied minors and their parents), in only limited circumstances, SOs and BSOs are expected to confront persons engaging in misconduct, even physically, if necessary. Aside from the limited circumstances described above, GSAs do not confront people but instead call security, who then handles any confrontation. Although GSAs count money and are trained to identify counterfeit bills, SOs securely transport money.

The GSAs’ responsibilities are distinct from those of the SOs and BSOs, and their enforcement of the Employer’s rules is incidental to their cashier and customer service functions. I am, therefore, refusing to find that the Union cannot be certified as the representative of GSAs on that basis.

B. The Employer’s Request for a Protective Order

The Employer has requested the issuance of a protective order barring disclosure of certain evidence introduced at the hearing. Although the Employer has pointed to cases in which the Board has continued protective orders issued by administrative law judges, those cases all involve the issuance of protective orders by administrative law judges in the context of unfair labor practice proceedings, which ultimately resulted in the issuance of an enforceable Board Order, and the Employer has not cited any authority for the issuance of such orders by Regional Directors in representation cases. I therefore decline to issue such an order here. Moreover, the Petitioner agreed on the record not to disseminate the documents at issue or use them outside these proceedings, and that any request to the Board for disclosure of documents made part of the record in these proceedings would be processed in accordance with the Freedom of Information Act (FOIA) and Section 102.117(c)(2) of the Board’s Rules and Regulations, including Section 102.117(c)(2)(iv), which sets forth the Board’s procedures for handling requests for records containing business information.

C. The Employer’s Request to Ban Electronic Devices in the Voting Area

The Employer has requested nobody be permitted to possess electronic devices in the polling area. Section 102.64 of the Board’s Rules and Regulations states that the purpose of pre-

election hearings is to determine if a question of representation exists. The Employer's request goes beyond that purpose, insofar as it raises an issue concerning the manner in which the election will be conducted. In any event, the Board agent assigned to conduct the election and the parties' observers can monitor the polling area to ensure electronic devices are not being used in a manner that will interfere with the required laboratory conditions for an election, and, if electronic devices are used in the polling area during the election, either party can raise the question of whether such conduct was objectionable in timely filed objections.

III. CONCLUSION

Based upon the entire record in this matter and in accordance with the discussion above, I conclude and find as follows:

1. The rulings at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.¹
3. Petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer.²
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time guest service ambassadors employed by the Employer at its facility in Las Vegas, Nevada, excluding all other employees, professional employees, guards, and supervisors as defined in the Act.³

There are approximately 54 employees in the unit found appropriate.

¹ I find, based on the stipulations of the parties and the record evidence, that the Employer, NP Boulder LLC, a Nevada limited liability company with an office and place of business in Las Vegas, Nevada, has been engaged in the operation of a hotel and casino. During the 12-month period ending July 3, 2017, the Employer, in conducting its business operations described above, derived gross revenue in excess of \$500,000. During the same period of time, the Employer purchased and received at its Nevada facility goods valued in excess of \$50,000 directly from points outside the State of Nevada.

² The parties stipulated, and I find, that Petitioner is a labor organization within the meaning of Section 2(5) of the Act.

³ The unit found appropriate conforms with the unit sought by Petitioner. The Employer did not contend that the unit was not appropriate, in the event that the GSAs were found not to be guards within the meaning of Section 9(b) (3) of the Act.

IV. DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote whether or not they wish to be represented for the purposes of collective bargaining by INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, UAW.

A. Election Details

The election will be held on Friday, July 21, 2017, from 8:00 a.m. to 11:00 a.m. and 2:00 p.m. to 8:00 p.m. at the Cabernet Room at the Employer's facility, located at 4111 Boulder Highway, Las Vegas, Nevada.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending July 16, 2017, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

C. Voter List

As required by Section 102.67(l) of the Board's Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters.

To be timely filed and served, the list must be *received* by the Regional Director and the parties by **Wednesday, July 19, 2017**. The list must be accompanied by a certificate of service showing service on all parties. **The Region will no longer serve the voter list.**

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

D. Posting of Notices of Election

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution. Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

V. RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 14 days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not

precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to www.nlr.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1099 14th Street NW, Washington, DC 20570-0001. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board.

Dated at Phoenix, Arizona, this 17th day of July, 2017.

/s/ *Cornele A. Overstreet*
Cornele A. Overstreet, Regional Director



United States of America
National Labor Relations Board
NOTICE OF ELECTION



PURPOSE OF ELECTION: This election is to determine the representative, if any, desired by the eligible employees for purposes of collective bargaining with their employer. A majority of the valid ballots cast will determine the results of the election. Only one valid representation election may be held in a 12-month period.

SECRET BALLOT: The election will be by SECRET ballot under the supervision of the Regional Director of the National Labor Relations Board (NLRB). A sample of the official ballot is shown on the next page of this Notice. Voters will be allowed to vote without interference, restraint, or coercion. Electioneering will not be permitted at or near the polling place. Violations of these rules should be reported immediately to an NLRB agent. Your attention is called to Section 12 of the National Labor Relations Act which provides: **ANY PERSON WHO SHALL WILLFULLY RESIST, PREVENT, IMPEDE, OR INTERFERE WITH ANY MEMBER OF THE BOARD OR ANY OF ITS AGENTS OR AGENCIES IN THE PERFORMANCE OF DUTIES PURSUANT TO THIS ACT SHALL BE PUNISHED BY A FINE OF NOT MORE THAN \$5,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.**

ELIGIBILITY RULES: Employees eligible to vote are those described under the VOTING UNIT on the next page and include employees who did not work during the designated payroll period because they were ill or on vacation or temporarily laid off, and also include employees in the military service of the United States who appear in person at the polls. Employees who have quit or been discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of this election are *not* eligible to vote.

SPECIAL ASSISTANCE: Any employee or other participant in this election who has a handicap or needs special assistance such as a sign language interpreter to participate in this election should notify an NLRB Office as soon as possible and request the necessary assistance.

PROCESS OF VOTING: Upon arrival at the voting place, voters should proceed to the Board agent and identify themselves by stating their name. The Board agent will hand a ballot to each eligible voter. Voters will enter the voting booth and mark their ballot in secret. **DO NOT SIGN YOUR BALLOT.** Fold the ballot before leaving the voting booth, then personally deposit it in a ballot box under the supervision of the Board agent and leave the polling area.

CHALLENGE OF VOTERS: If your eligibility to vote is challenged, you will be allowed to vote a challenged ballot. Although you may believe you are eligible to vote, the polling area is not the place to resolve the issue. Give the Board agent your name and any other information you are asked to provide. After you receive a ballot, go to the voting booth, mark your ballot and fold it so as to keep the mark secret. **DO NOT SIGN YOUR BALLOT.** Return to the Board agent who will ask you to place your ballot in a challenge envelope, seal the envelope, place it in the ballot box, and leave the polling area. Your eligibility will be resolved later, if necessary.

AUTHORIZED OBSERVERS: Each party may designate an equal number of observers, this number to be determined by the NLRB. These observers (a) act as checkers at the voting place and at the counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB.



**United States of America
National Labor Relations Board
NOTICE OF ELECTION**



VOTING UNIT

EMPLOYEES ELIGIBLE TO VOTE:

All full-time and regular part-time guest service ambassadors employed by the Employer at its facility in Las Vegas, Nevada who were employed during the payroll period ending July 16, 2017.

EMPLOYEES NOT ELIGIBLE TO VOTE:



All other employees, professional employees, guards, and supervisors as defined in the Act.

DATE, TIMES AND PLACE OF ELECTION

DATE:	TIMES:	PLACE:
Friday, July 21, 2017	8:00 a.m. to 11:00 a.m. and 2:00 p.m. to 8:00 p.m.	Cabernet Room at the Employer's facility located at 4111 Boulder Highway, Las Vegas, Nevada

EMPLOYEES ARE FREE TO VOTE AT ANY TIME THE POLLS ARE OPEN.

BALLOTS WILL BE CO-MINGLED AND COUNTED AT THE END OF THE LAST POLLING SESSION.

	<p>UNITED STATES OF AMERICA National Labor Relations Board 28-RC-201756 OFFICIAL SECRET BALLOT For certain employees of NP BOULDER LLC</p>	
<p>Do you wish to be represented for purposes of collective bargaining by INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, UAW?</p>		
<p>MARK AN "X" IN THE SQUARE OF YOUR CHOICE</p>		
<p>YES</p> <div data-bbox="418 1522 555 1617"><input type="checkbox"/></div>		<p>NO</p> <div data-bbox="1068 1522 1205 1617"><input type="checkbox"/></div>
<p>DO NOT SIGN THIS BALLOT. Fold and drop in the ballot box. If you spoil this ballot, return it to the Board Agent for a new one. The National Labor Relations Board does not endorse any choice in this election Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board</p>		



**United States of America
National Labor Relations Board
NOTICE OF ELECTION**



RIGHTS OF EMPLOYEES - FEDERAL LAW GIVES YOU THE RIGHT TO:

- **Form, join, or assist a union**
- **Choose representatives to bargain with your employer on your behalf**
- **Act together with other employees for your benefit and protection**
- **Choose not to engage in any of these protected activities**
- **In a State where such agreements are permitted, the Union and Employer may enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the Union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the Union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).**

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both Employers and Unions to know what is expected of them when it holds an election.

If agents of either Unions or Employers interfere with your right to a free, fair, and honest election the election can be set aside by the Board. When appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in setting aside of the election:

- **Threatening loss of jobs or benefits by an Employer or a Union**
- **Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises**
- **An Employer firing employees to discourage or encourage union activity or a Union causing them to be fired to encourage union activity**
- **Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or the mail ballots are dispatched in a mail ballot election**
- **Incitement by either an Employer or a Union of racial or religious prejudice by inflammatory appeals**
- **Threatening physical force or violence to employees by a Union or an Employer to influence their votes**

The National Labor Relations Board protects your right to a free choice.

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law.

Anyone with a question about the election may contact the NLRB Office at (702)388-6416 or visit the NLRB website www.nlrb.gov for assistance.

From: [Lac, Daniel](#)
To: [Overstreet, Cornele](#); [Baynes, Barbara](#); khildebrandt@local501.org
Cc: [Lipkin, Harriet](#); [Harlow, Kevin](#)
Subject: 28-RC-127760 - Employer's Motion to Revoke Certification
Date: Wednesday, September 6, 2017 2:12:27 PM
Attachments: [28-RC-127760 - ER's Motion to Revoke Certification.pdf](#)
[CRP.28-RC-127760.Certification of Representative 6-12-14.pdf](#)

All,

Please see attached the Employer's Motion to Revoke Certification and attachment in Case 28-RC-127760, filed today with the Region (Confirmation Number: 1000161764).

Sincerely,

Daniel Lac

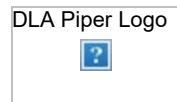
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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

FP HOLDING, L.P. D/B/A PALMS CASINO RESORT

EMPLOYER

and

**INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL 501, AFL-CIO**

PETITIONER

CASE 28-RC-127760

EMPLOYER’S MOTION TO REVOKE CERTIFICATION

Comes now the Employer, FP Holding, L.P. D/B/A Palms Casino Resort, and for the reasons set forth below, moves that the certification issued in the above-captioned matter be revoked.

I. INTRODUCTION

On June 12, 2014, the Regional Director certified the International Union of Operating Engineers Local 501, AFL-CIO (“Union”) as the exclusive bargaining representative of a bargaining unit composed of “all full-time and regular part-time Slot Technicians in the Slot Department employed by the Employer [Palms Casino Resort],” in the above-captioned matter (see attached).

The core duties of the Palms Slot Technicians are to “enforce against employees and other persons rules to protect [the] property of the employer,” and consequently the slot technicians are “guards” within the meaning of the Act. *Bellagio, LLC v. NLRB*, No. 16-1191, 2017 WL 3027221 (D.C. Cir. July 18, 2017).

However, the Union acknowledges that it “admits to membership . . . employees other than guards.”

Consequently, the certification issued in the above-captioned matter on June 12, 2014 was issued in violation of Section 9(b)(3) of the Act, and should be revoked.

THE BARGAINING UNIT IS COMPOSED OF GUARDS.

Under Section 9(b)(3) of the Act, “no labor organization shall be certified as the representative of employees in a bargaining unit of guards if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards.” A guard is defined as a person employed to “enforce against employees and other persons rules to protect [the] property of the employer . . .” *Id.*

In *Bellagio, LLC v. NLRB*, No. 16-1191, the D.C. Court of Appeals recently held that surveillance technicians were “guards” under Section 9(b)(3) of Act. In so holding, the Court expressly rejected the Board’s narrow reading that the technicians could not be guards simply because they “made no rounds,” and did not carry out functions akin to traditional plant security guards (*i.e.*, they carried no weapons, and did not wear security uniforms or badges). *Id.* at *5. The Court’s ruling considered key factors not given due weight by the Board, such as the technicians’ duties in deterring, detecting, reporting, and investigating suspicious activity, the modern context in which their enforcement took place, their role in preventing and investigating misconduct by other employees, and their role in protecting the Employer’s valuable assets generally. *Id.* at *9. In short, the *Bellagio* court affirmed the view that the statutory definition of “guard” is not limited to notions of a prototypical plant security guard, but includes employees who more broadly enforce rules against employees or patrons to protect the Employer’s property

or assets. *Id.* at *7; *see also* *MGM Grand Hotel*, 274 NLRB 139, 1398-40 (1985) (operators fell within statutory definition of “guard” even where sole duties were to observe and report); *Rhode Island Hosp.*, 313 N.L.R.B. 343, 346-47 (1993) (finding that shuttle van drivers were “guards”; “[A]lthough one of their primary duties is to transport employees from building to building, they are also charged with the responsibility of being on the lookout for and reporting security problems or rules violations.”); *see generally* *Am. Dist. Tel. Co.*, 160 N.L.R.B. 1130, 1136 (1966) (“guard” status is not limited to employees who enforce rules against other employees).

Similarly, in *A.W. Schlesinger Geriatric Ctr., Inc.*, 267 N.L.R.B. 1363 (1983), the Board considered the “guard” status of two maintenance employees who walked the employer’s premises and – in addition to their maintenance duties – were authorized to ask that a trespasser or other employee cease creating a disturbance or that the unauthorized person leave. The Board found that, “although the maintenance employees have no special training as guards and do not wear guard uniforms or carry firearms, we conclude that the two night and weekend maintenance employees are employed for security purposes in addition to their maintenance duties.” *Id.* at 1364. Significantly, the Board found that the maintenance employees were responsible for keeping unauthorized persons off the premises, even though they had been instructed to contact a supervisor or law enforcement officer first and to avoid confrontation if possible. The Board concluded that it was “sufficient that they possess and exercise responsibility to observe and report infractions, as this is an essential step in the procedure for enforcement of the [employer’s] rules.” *Id.* Further, the Board found it “not determinative that [these duties were] not their only function.” *Id.*; *see also* *McDonnell Aircraft Co. v. NLRB*, 827 F.2d 324, 326-27 (8th Cir. 1987) (to qualify as a “guard” the performance of guard duties need not be the employee’s only

function, and it is sufficient that an employee is responsible for reporting rule infractions to his supervisor).

Here, the core functions of the slot technicians include enforcing the Employer's rules and policies against guests and employees to safeguard the Employer's property and assets. For instance, slot technicians are responsible for:

- Monitoring nearly every aspect of slot machines—from physical tampering or destruction to technical settings and data to prevent cheating or other illegal gaming activities.
- Maintaining security devices on slot machines (e.g. door sensors) and investigating and reporting breaches of the same.
- Reviewing and addressing reports from vendors outlining new vulnerabilities and issues with machine software; individually checking machines for vulnerabilities, verifying machine game chips, and reporting any issues.
- Verifying machine settings and configurations of machines to protect against fraud. For instance, they check payout probability and bill validator settings so as to avoid potential fraud by other technicians or machine vendors. Technicians are the only employees capable of understanding these discrepancies and conducting a fix.
- Investigating and identifying issues, mistakes, or potential misconduct by other technicians by reviewing machine data, and reporting findings to management.
- Reviewing technical logs on machines in order to resolve jackpot payout issues, such as verifying if a guest has won a payout, what amounts are owed (or not owed), and verifying guests' claims of technical errors affecting gameplay.
- Directly cooperating with and assisting Nevada Gaming Commission investigators upon request.
- Monitoring the casino floor for underage, banned, or otherwise unauthorized guests consistent with Employer rules and policies, and escalating the matter to security as necessary.
- Enforcing the Employer's anti-money-laundering rules against guests to prevent fraudulent or illegal transactions.

These are not minor or incidental duties, but rather core job functions. The *Bellagio* court recognized that in today's casinos, tampering can happen in numerous and increasingly sophisticated ways.^[1] The slot technicians are the front line of defense to these threats, and in some cases the only safeguard against potential loss to the Employer. Slot technicians thus

^[1] Brendan Koerner, *Russians Engineer a Brilliant Slot Machine Cheat—And Casinos Have No Fix*, Wired, February 6, 2017, accessed August 9, 2017, available at: <https://www.wired.com/2017/02/russians-engineer-brilliant-slot-machine-cheat-casinos-no-fix/>.

receive extensive technical training on slot machine operations, detecting and preventing exploits or vulnerabilities, and are expected to resolve any issues in a timely manner so as to prevent further loss. Moreover, because slot technicians are the only employees with the technical expertise to fully investigate such issues, they are relied upon by managers and supervisors on a near constant basis to detect and investigate malfeasance (whether by guests, vendors, or other employees). Slot technicians also act as an added layer of security against underage gambling and alcohol consumption, money laundering and other illegal gaming activity.

Any failure or intentional misconduct by the slot technicians in diligently carrying out these duties jeopardizes the Employer's business. For instance, if a technician fails to check for security flaws or vulnerabilities, properly reset a jackpot, or fix a malfunctioning door sensor, the Employer could not only suffer monetary losses due to unintended payouts, but stands to be cited and/or fined by state regulators.

Consequently, the Employer places significant trust in the slot technicians when it comes to enforcing its rules for protecting its property and assets. The slot technicians' unique "know-how" and access to the thousands of slot machines on the property makes the slot technicians an integral part of the Employer's efforts to safeguard its property and assets, and any violation of the trust placed in them would result in substantial loss of Employer property and assets. *Bellagio*, 2017 WL 3027221 at *9. Thus the authority, access, and trust given to slot technicians, even if not determinative, are factors that are relevant to their status as "guards" under the Act. *Id.* The Board may police its certifications by amendment, clarification, and even revocation. NLRB Casehandling Manual §11478; *Independent Metal Workers Local 1 (Hughes Tool Co.)*, 147 NLRB 1573, 56 LRRM 1289 (1964).

THE REGIONAL DIRECTOR IS AUTHORIZED TO REVOKE THE CERTIFICATION

“A regional director has the authority to revoke a certification on a motion by one of the parties, or on the regional director's own initiative, if it is determined that revocation is appropriate in a given situation.” NLRB Casehandling Manual § 11478.3.

The subsequent issuance of a court decisions that makes continued certification inappropriate is provided as a reason for revocation of a certification.

The NLRB may revoke a certification where circumstances are brought to its attention which would have caused it to refuse to issue a certification in the first place. *Lane Wells Co.* (1948) 79 NLRB 252; *Sunbeam Corp.* (1950) 89 NLRB 469; *National Federation of Labor, Inc.* (1966) 160 NLRB 961, *infra* § 14, enforced (CA5) 387 F2d 352.

For instance, in *Cooper-Hewitt Elec. Co.*, 215 NLRB 277, 888 LRRM 1475 (1974), the employer petitioned to revoke the Union's certification due to changed circumstances in the law as a result of the Supreme Court's decision in *NLRB v. Savair Manufacturing Co.*, 414 U.S. 270, which reversed Board precedent concerning the lawfulness of pre-election promises made by unions. The Union had told employees that if it won the election initiation fees would be waived for those who joined prior to the election but that employees who joined afterwards would have to pay the regular fee. Employer objected and was overruled based on prior Board precedent. Following *Savair*, the Board upheld the employer's objections to election and revoked the Union's certification.

Likewise, in *Cramp Shipbuilding Co.*, 52 NLRB 309 (1943), the Board revoked certification for a unit of supervisors as the result of a post-certification NLRB decision in another case that supervisors cannot constitute an appropriate unit.

In *Mack Mfg. Corp.*, 107 NLRB 209 (1953) , a local of the United Plant Guard Workers of America won an election among 32 eligible employees in a guard unit, of whom 31 voted, 29 voted for and one against the union, and one ballot was challenged. The employer unsuccessfully urged that the Plant Guards' local was affiliated with a UAW local and therefore, by virtue of Section 9(b)(3), could not be certified. The NLRB nevertheless issued the certification, but the employer refused to bargain, for the same reason. In a consolidated unfair labor practice and representation proceeding, the NLRB upheld the employer's position, dismissed the unfair labor practice complaint against the employer, and revoked the Plant Guards' local's certification.

CONCLUSION

In sum, the bargaining unit is composed of employees whose core job duties include the enforcement of the Employer's rules against third-party guests, vendors and other employees. By virtue of the above duties, they fall squarely within the statutory definition of "guard" under recent case law in *Bellagio*, and in line with Board precedent in *A.W. Schlesinger*, *MGM Grand* and their progeny. As there is no dispute that the Union admits to membership non-guard employees, the Union's certification as the exclusive bargaining representative of the Slot Technicians should be revoked.

Respectfully Submitted,

Date: September 6, 2017

/s/ Harriet Lipkin

Harriet Lipkin
DLA Piper LLP (US)
500 Eighth Street NW
Washington, D.C. 20004

Kevin Harlow
DLA Piper LLP (US)
401 B Street, Suite 1700
San Diego, CA 92101

CERTIFICATE OF SERVICE

I hereby certify this 6th day of September, that a copy of the Employer's Motion to Revoke Certification were electronically served on:

Cornele A. Overstreet
Regional Director
National Labor Relations Board
Region 28
2600 North Central Avenue
Ste. 1400
Phoenix, AZ 85004
Cornele.Overstreet@nlrb.gov

Barbara B. Baynes
Resident Officer
National Labor Relations Board
300 Las Vegas Blvd South
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Las Vegas, NV 89101

Kenneth Hildebrandt
301 Deauxville Street
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khildebrandt@local501.org

/s/ Daniel Lac
An Employee of DLA Piper LLP (US)

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

FP HOLDINGS, L.P. D/B/A PALMS CASINO RESORT

Employer

and

**INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL 501, AFL-CIO**

Petitioner

Case 28-RC-127760

TYPE OF ELECTION: STIPULATED

CERTIFICATION OF REPRESENTATIVE

An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that a collective-bargaining representative has been selected. No timely objections have been filed.

As authorized by the National Labor Relations Board, it is certified that a majority of the valid ballots have been cast for **INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 501, AFL-CIO**, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

UNIT: All full-time and regular part-time Slot Technicians in the Slot Department employed by the Employer in Las Vegas, Nevada; excluding all other employees, office clerical employees, guards and supervisors as defined in the Act.



Signed at Phoenix, Arizona on
the 12th day of June 2014.

/s/ Cornele A. Overstreet

Cornele A. Overstreet, Regional Director
National Labor Relations Board, Region 28

NOTICE OF BARGAINING OBLIGATION

In the recent representation election, a labor organization received a majority of the valid votes cast. Except in unusual circumstances, unless the results of the election are subsequently set aside in a post-election proceeding, the employer's legal obligation to refrain from unilaterally changing bargaining unit employees' terms and conditions of employment begins on the date of the election.

The employer is not precluded from changing bargaining unit employees' terms and conditions during the pendency of post-election proceedings, **as long as** the employer (a) gives sufficient notice to the labor organization concerning the proposed change(s); (b) negotiates in good faith with the labor organization, upon request; and (c) good faith bargaining between the employer and the labor organization leads to agreement or overall lawful impasse.

This is so even if the employer, or some other party, files objections to the election pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (the Board). If the objections are later overruled and the labor organization is certified as the employees' collective-bargaining representative, the employer's obligation to refrain from making unilateral changes to bargaining unit employees' terms and conditions of employment begins on the date of the election, not on the date of the subsequent decision by the Board or court. Specifically, the Board has held that, absent exceptional circumstances,¹ an employer acts at its peril in making changes in wages, hours, or other terms and conditions of employment during the period while objections are pending and the final determination about certification of the labor organization has not yet been made.

It is important that all parties be aware of the potential liabilities if the employer unilaterally alters bargaining unit employees' terms and conditions of employment during the pendency of post-election proceedings. Thus, typically, if an employer makes post-election changes in employees' wages, hours, or other terms and conditions of employment without notice to or consultation with the labor organization that is ultimately certified as the employees' collective-bargaining representative, it violates Section 8(a)(1) and (5) of the National Labor Relations Act since such changes have the effect of undermining the labor organization's status as the statutory representative of the employees. This is so even if the changes were motivated by sound business considerations and not for the purpose of undermining the labor organization. As a remedy, the employer could be required to: 1) restore the status quo ante; 2) bargain, upon request, with the labor organization with respect to these changes; and 3) compensate employees, with interest, for monetary losses resulting from the unilateral implementation of these changes, until the employer bargains in good faith with the labor organization, upon request, or bargains to overall lawful impasse.

¹ Exceptions may include the presence of a longstanding past practice, discrete event, or exigent economic circumstance requiring an immediate response.

From: [Gomez, Luis](#)
To: richie.waitkus@palms.com; dsullenberger@laborlawyers.com; dsullenberger@laborlawyers.com; jsoto@local501.org
Cc: [McGuire, Susan L.](#); [Baynes, Barbara](#)
Subject: FP HOLDINGS, L.P. D/B/A PALMS CASINO RESORT/28-RC-127760
Date: Wednesday, September 20, 2017 12:03:35 PM
Attachments: [ORD.28-RC-127760.pdf](#)

Good afternoon,

Attached is the Order Denying Motion to Revoke Certification in the above matter.

V/R

Luis Gomez

Luis Gomez

Language Specialist

National Labor Relations Board

Region 28

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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

FP HOLDINGS, L.P. D/B/A PALMS CASINO RESORT

Employer

and

**INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL 501, AFL-CIO**

Petitioner

Case 28-RC-127760

ORDER DENYING MOTION TO REVOKE CERTIFICATION

On May 1, 2014, the International Union of Operating Engineers Local 501, AFL-CIO (Petitioner) filed a petition seeking to represent a unit of FP Holdings, L.P. D/B/A Palms Casino Resort's (Employer) employees (Unit). On that same date, a letter was sent to the Employer which requested, among other things, the Employer's position as to the appropriateness of the Unit. On May 21, 2014, rather than challenge or dispute the appropriateness of the Unit, the Employer signed a Stipulated Election Agreement agreeing that the following unit was appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: All full-time and regular part-time Slot Technicians in the Slot Department employed by the Employer in Las Vegas, Nevada.

EXCLUDED: All other employees, office clerical employees, guards and supervisors as defined in the Act.

In signing that Stipulated Election Agreement, the Employer explicitly agreed that Slot Technicians are included in the Unit and not excluded statutory guards as defined by Section

9(b)(3) in the Act. On June 12, 2014, the Petitioner was certified as the exclusive collective-bargaining representative of the Unit.

On September 6, 2017, the Employer filed a Motion to Revoke Certification (Motion) with the Region. In its Motion, the Employer takes the position that the Slot Technicians included in the Unit were guards and that their status justified revocation of the Unit previously certified on June 12, 2014. Such action is not warranted here. “It is well-settled Board policy that a Stipulated Election Agreement is a binding contract to which the parties will be held, and that if the unit description of that agreement is expressed in clear and unambiguous terms, the Board will not examine extrinsic evidence to determine the parties’ intent regarding bargaining unit composition.” *Gala Food Processing*, 310 NLRB 1189 (1993); *Laidlaw Transit, Inc.*, 322 NLRB 895 (1997); *Genesis Health Ventures of West Virginia, LP*, 326 NLRB 1208, 1211 fn. 4 (1998); *Venture Industries*, 327 NLRB 918, 918-919 (1999); *South Coast Hospice, Inc.*, 333 NLRB 198 (2001); *Bell Convalescent Hospital*, 337 NLRB 191 (2001); *Lanco Construction Systems, Inc.*, 339 NLRB 1048, 1049 (2003); *Halsted Communications*, 347 NLRB 225 (2006). Further, “the Board will find a clear intent to include those classifications that match the express language [of the stipulation], and will find a clear intent to exclude those classifications not matching the stipulated bargaining unit description. . . . [I]f the classification is not included, and there is an exclusion for ‘all other employees,’ the stipulation will be read to clearly exclude that classification.” *Bell Convalescent Hospital*, 337 NLRB at 191 citing *Viacom Cablevision*, 268 NLRB 633 (1984).

Here, the Unit stipulation is clear and unambiguous on its face: it explicitly includes the Slot Technician classification in the Unit. There is an expectation that the parties know the eligible employees' job titles, and intend their descriptions in the stipulation to apply to

those job titles. *Halsted Communications*, 347 NLRB at 225. As a result of the Employer's representations and subsequent execution of the Stipulated Election Agreement confirming those representations, it is clear that the Employer did not consider Slot Technicians to be guards as defined under Section 9(b)(3). In accordance with Board procedure, a pre-election hearing is held within eight days of petition filing, at which time a party is given the opportunity to present evidence to address issues associated with unit determination. At no point prior to signing the stipulated election agreement did the Employer ever raise the argument that its Slot Technicians are statutory guards as defined by Section 9(b)(3). Instead of availing itself the opportunity to present argument and evidence during the pre-election process, the Employer now moves for an ex post facto revocation of certification three years too late.

It is accurate that a certification may be revoked. However, the Employer has not cited a single case in its Motion where a Regional Director has revoked certification. Instead, it cites to cases where the Board has revoked certification following hearings held before administrative law judges. The most recent case cited by the Employer, *Cooper-Hewitt Electric Co.*, 215 NLRB 277 (1974), involved objections to an election filed by the employer over the union offering to waive initiation fees for employees who joined prior to the election. "On the basis of then Board law Respondent's objections were overruled by the Region and the Union certified." *Cooper-Hewitt Electric Co.*, 215 NLRB at 277. The employer then refused to bargain with the union in order to get a hearing on its objections. *Id.* The General Counsel filed a Motion for Summary Judgment but "[b]efore the Board had an opportunity to rule on the motion the Supreme Court, on December 17, 1973, handed down its decision in *N.L.R.B. v. Savair Manufacturing Co.*, 414 U.S. 270, in which it held that a union's offer to

waive initiation fees for employees who joined it prior to an election while assessing those who joined afterwards with a fee, interferes with the employees' right to refrain from union activities as guaranteed by Section 7 of the Act[.]” Id. *Cooper-Hewitt* involved the revocation of certification following a hearing which established facts consistent with a directly on-point decision from the Supreme Court. No such hearing is associated with this matter. In fact, all of the cases cited by the Employer in its Motion involve hearings where facts and evidence were established to enable a revocation of certification by the Board, not a Regional Director.

Lastly, the Employer argues that “subsequent issuance of a court decisions [sic] that makes continued certification inappropriate is provided as a reason for revocation of a certification.” However, the Employer has not provided a citation to any caselaw where its Slot Technicians have been held to be statutory guards under the Act. Instead, the Employer relies on *Bellagio, LLC v. NLRB*, No. 16-1191, 2017 WL 3027221 (D.C. Cir. July 18, 2017), a case which addressed the core duties that would be necessary to find employees guards within the meaning of the Act. This cited case is not determinative here because circuit court decisions are not binding on Board law. Accordingly,

IT IS ORDERED that Charging Party’s Motion to Revoke Certification be, and it is, denied.

Dated at Phoenix, Arizona, this 20th day of September 2017.

/s/ Nancy E. Martinez

Nancy E. Martinez, Acting Regional Director

From: [Moore, Dawn M.](#)
To: gkline@culinaryunion226.org; ebm@msh.law
Subject: Green Valley Ranch / Case 28-RC-208266
Date: Thursday, October 19, 2017 4:22:58 PM
Attachments: [image001.png](#)
[DCK.28-RC-208266.Docket Packet to Petitioner 10-19-17.pdf](#)

Please see the attached documents.

Dawn M. Moore

Administrative Assistant
Region 28 – Las Vegas Resident Office
National Labor Relations Board
Foley Federal Building
300 Las Vegas Boulevard South, Suite 2-901
Las Vegas, NV 89101-5833
Tel: (702) 820-7466
Fax: (702) 388-6248



NATIONAL LABOR
RELATIONS BOARD



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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 28
2600 North Central Avenue
Suite 1400
Phoenix, AZ 85004

Agency Website: www.nlrb.gov
Telephone: (602)640-2160
Fax: (602)640-2178



Download
NLRB
Mobile App

URGENT

October 19, 2017

Local Joint Executive Board of Las Vegas
affiliated with UNITE HERE International Union
1630 South Commerce Street
Las Vegas, NV 89102-2700
E-Mail: gkline@culinaryunion226.org

Re: Green Valley Ranch
Case 28-RC-208266

Ladies and Gentlemen:

The enclosed petition that you filed with the National Labor Relations Board (NLRB) has been assigned the above case number. This letter tells you how to contact the Board agent who will be handling this matter; explains your obligation to provide the originals of the showing of interest; notifies you of a hearing; describes the employer's obligation to post and distribute a Notice of Petition for Election, complete a Statement of Position and provide a voter list; requests that you provide certain information; notifies you of your right to be represented; and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Attorney Nathan A. Higley whose telephone number is (702) 820-7467. The mailing address is 300 Las Vegas Boulevard South Suite 2-901, Las Vegas, NV 89101. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. If the agent is not available, you may contact Resident Officer Barbara B. Baynes whose telephone number is (702) 820-7460. If appropriate, the NLRB attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Showing of Interest: If the Showing of Interest you provided in support of your petition was submitted electronically or by fax, the original documents which constitute the Showing of Interest containing handwritten signatures must be delivered to the Regional office within **2 business days**. If the originals are not received within that time the Region will dismiss your petition.

Notice of Hearing: Enclosed is a Notice of Representation Hearing to be conducted at **10:00 AM on Friday, October 27, 2017** at the NLRB Hearing Room, 300 Las Vegas Boulevard South, Suite 2-901, Las Vegas, NV 89101, if the parties do not voluntarily agree to an election.

If a hearing is necessary, the hearing will run on consecutive days until concluded unless the regional director concludes that extraordinary circumstances warrant otherwise.

Before the hearing begins, we will continue to explore potential areas of agreement with the parties in order to reach an election agreement and to eliminate or limit the costs associated with formal hearings.

Upon request of a party, the regional director may postpone the hearing for up to 2 business days upon a showing of special circumstances and for more than 2 business days upon a showing of extraordinary circumstances. A party desiring a postponement should make the request to the regional director in writing, set forth in detail the grounds for the request, and include the positions of the other parties regarding the postponement. E-Filing the request is preferred, but not required. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Posting and Distribution of Notice: The Employer must post the enclosed Notice of Petition for Election by **Monday, October 23, 2017** in conspicuous places, including all places where notices to employees are customarily posted. If it customarily communicates with its employees electronically, it must also distribute the notice electronically to them. The Employer must maintain the posting until the petition is dismissed or withdrawn or this notice is replaced by the Notice of Election. Failure to post or distribute the notice may be grounds for setting aside the election if proper and timely objections are filed.

Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, the Employer is required to complete the enclosed Statement of Position form, have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition by **Noon Pacific Time on Thursday, October 26, 2017**. The Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the Employer contends that the proposed unit is inappropriate, it must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The Employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit.

Voter List: If an election is held in this matter, the Employer must transmit to this office and to the other parties to the election, an alphabetized list of the full names and addresses of all eligible voters, including their shifts, job classifications, work locations, and other contact information including available personal email addresses and available personal home and cellular telephone numbers. Usually, the list must be furnished within 2 business days of the issuance of the Decision and Direction of Election or approval of an election agreement. When feasible, the list must be electronically filed with the Region and served electronically on the

other parties. To guard against potential abuse, this list may not be used for purposes other than the representation proceeding, NLRB proceedings arising from it or other related matters.

Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 days after the date when the Employer must file the voter list with the Regional Office. However, a petitioner and/or union entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483, which is available on the NLRB's website or from an NLRB office. A waiver will not be effective unless all parties who are entitled to the voter list agree to waive the same number of days.

Information Needed Now: Please submit to this office, as soon as possible, the following information needed to handle this matter:

- (a) The correct name of the Union as stated in its constitution or bylaws.
- (b) A copy of any existing or recently expired collective-bargaining agreements, and any amendments or extensions, or any recognition agreements covering any employees in the petitioned-for unit.
- (c) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any.
- (d) The name and contact information for any other labor organization (union) claiming to represent or have an interest in any of the employees in the petitioned-for unit and for any employer who may be a joint employer of the employees in the proposed unit. Failure to disclose the existence of an interested party may delay the processing of the petition.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before the NLRB. In view of our policy of processing these cases expeditiously, if you wish to be represented, you should obtain representation promptly. Your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If someone contacts you about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the NLRB. Their knowledge regarding this matter was obtained only through access to information that must be made available to any member of the public under the Freedom of Information Act.

Procedures: Also enclosed is a Description of Procedures in Certification and Decertification Cases (Form NLRB-4812). We strongly urge everyone to submit documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. On all your correspondence regarding the petition, please include the case name and number indicated above.

Information about the NLRB and our customer service standards is available on our website, www.nlr.gov, or from an NLRB office upon your request. We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Cornele A. Overstreet
Regional Director

Enclosures

1. Petition
2. Notice of Petition for Election (Form 5492)
3. Notice of Representation Hearing
4. Description of Procedures in Certification and Decertification Cases (Form 4812)
5. Statement of Position form and Commerce Questionnaire (Form 505)

cc: Eric B. Myers, Attorney at Law
McCracken, Stemerman and Holsberry, LLP
595 Market Street, Suite 800
San Francisco, CA 94105-2821
E-Mail: ebm@msh.law

CAO/NAH/tmr

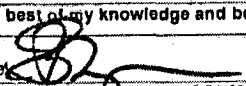
UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
RC PETITION

DO NOT WRITE IN THIS SPACE

Case No.
28-RC-208266

Date Filed
October 19, 2017

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlr.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.			
2a. Name of Employer Green Valley Ranch		2b. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) 2300 Paseo Verde Parkway, Henderson, NV 89052	
3a. Employer Representative - Name and Title Carol Thompson, General Manager		3b. Address (If same as 2b - state same) Same	
3c. Tel. No. (702) 617-7600	3d. Cell No.	3e. Fax No.	3f. E-Mail Address carol.thompson@stationcasinos.com
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Casino		4b. Principal product or service Casino gaming/accommodation	5a. City and State where unit is located Las Vegas, Nevada
5b. Description of Unit Involved Included: Please see Attachment A Excluded: Please see Attachment A			6a. No. of Employees in Unit: 1000 6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Check One: <input checked="" type="checkbox"/> 7a. Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about _____ (Date) (If no reply received, so state). By this Petition <input type="checkbox"/> 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.			
8a. Name of Recognized or Certified Bargaining Agent (If none, so state). None		8b. Address	
8c. Tel. No.	8d. Cell No.	8e. Fax No.	8f. E-Mail Address
8g. Affiliation, if any		8h. Date of Recognition or Certification	8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)
9. Is there now a strike or picketing at the Employer's establishment(s) involved? <u>No</u> If so, approximately how many employees are participating? _____ (Name of labor organization) _____, has picketed the Employer since (Month, Day, Year) _____			
10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)			
10a. Name	10b. Address	10c. Tel. No.	10d. Cell No.
		10e. Fax No.	10f. E-Mail Address
11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election.		11a. Election Type: <input checked="" type="checkbox"/> Manual <input type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail	
11b. Election Date(s) November 3-4, 2017	11c. Election Time(s): 6 am to 9 am; 11 am to 2 pm; 4 pm to 7 pm	11d. Election Location(s): On-property meeting room	
12a. Full Name of Petitioner (Including local name and number) Local Joint Executive Board of Las Vegas		12b. Address (street and number, city, state, and ZIP code) 1630 S. Commerce St., Las Vegas, NV 89102	
12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state) UNITE HERE International Union			
12d. Tel. No. 702-385-2131	12e. Cell No.	12f. Fax No. 702-386-9517	12g. E-Mail Address gkline@culinaryunion226.org
13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.			
13a. Name and Title Eric B. Myers, Attorney		13b. Address (street and number, city, state, and ZIP code) 595 Market Street, Suite 800, San Francisco, CA 94105	
13c. Tel. No. (415) 597-7200	13d. Cell No.	13e. Fax No. 415-597-7201	13f. E-Mail Address abm@msh.law
I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.			
Name (Print) Eric B. Myers	Signature 	Title Attorney	Date October 19, 2017

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Attachment A to Green Valley Ranch RC Petition

5b. Description of Unit Involved

Included: All regular full-time and regular part-time and on-call Banquet Captains, Banquet Servers, Bar/Beverage Porters, Bar Hosts, Baristas, Bartenders, Bell Captains, Bell Persons, Beverage Servers, Bus Persons, Concession Workers, Cooks, Cook's Helpers, Counter Attendants, Food Servers, Gourmet Host/Cashiers, Guest Room Attendants, Host/Cashiers, Housekeeping Runners, Housepersons, Kitchen Runners, Kitchen Workers, Lead Attendants, Mixologists, Pantry Workers, Porters, Room Runners, Service Bartenders, Sprinters, Status Board Operators, Stove Persons, Team Member Dining Room Attendants, Utility Porters, VIP Bartenders and VIP Servers employed by the Employer at Green Valley Ranch.

Excluded: All other employees employed by the Employer, including all front-desk employees, valet parkers, gaming employees (dealers, slot attendants, cage cashiers), inspectresses, engineering and maintenance employees, office clerical employees, confidential employees, and all supervisors, guards, and managers as defined by the Act.



National Labor Relations Board



NOTICE OF PETITION FOR ELECTION

This notice is to inform employees that Local Joint Executive Board of Las Vegas affiliated with UNITE HERE International Union has filed a petition with the National Labor Relations Board (NLRB), a Federal agency, in Case 28-RC-208266 seeking an election to become certified as the representative of the employees of Green Valley Ranch in the unit set forth below:

Included: All regular full-time and regular part-time and on-call Banquet Captains, Banquet Servers, Bar/Beverage Porters, Bar Hosts, Baristas, Bartenders, Bell Captains, Bell Persons, Beverage Servers, Bus Persons, Concession Workers, Cooks, Cook's Helpers, Counter Attendants, Food Servers, Gourmet Host/Cashiers, Guest Room Attendants, Host/Cashiers, Housekeeping Runners, Housepersons, Kitchen Runners, Kitchen Workers, Lead Attendants, Mixologists, Pantry Workers, Porters, Room Runners, Service Bartenders, Sprinters, Status Board Operators, Stove Persons, Team Member Dining Room Attendants, Utility Porters, VIP Bartenders and VIP Servers employed by the Employer at Green Valley Ranch.

Excluded: All other employees employed by the Employer, including all front-desk employees, valet parkers, gaming employees (dealers, slot attendants, cage cashiers), inspectresses, engineering and maintenance employees, office clerical employees, confidential employees, and all supervisors, guards, and managers as defined by the Act.

This notice also provides you with information about your basic rights under the National Labor Relations Act, the processing of the petition, and rules to keep NLRB elections fair and honest.

YOU HAVE THE RIGHT under Federal Law

- To self-organization
- To form, join, or assist labor organizations
- To bargain collectively through representatives of your own choosing
- To act together for the purposes of collective bargaining or other mutual aid or protection
- To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustments).

PROCESSING THIS PETITION

Elections do not necessarily occur in all cases after a petition is filed. **NO FINAL DECISIONS HAVE BEEN MADE YET** regarding the appropriateness of the proposed unit or whether an election will be held in this matter.

If appropriate, the NLRB will first see if the parties will enter into an election agreement that specifies the method, date, time, and location of an election and the unit of employees eligible to vote. If the parties do not enter into an election agreement, usually a hearing is held to receive evidence on the appropriateness of the unit and other issues in dispute. After a hearing, an election may be directed by the NLRB, if appropriate.

IF AN ELECTION IS HELD, it will be conducted by the NLRB by secret ballot and Notices of Election will be posted before the election giving complete details for voting.

ELECTION RULES

The NLRB applies rules that are intended to keep its elections fair and honest and that result in a free choice. If agents of any party act in such a way as to interfere with your right to a free election, the election can be set aside by the NLRB. Where appropriate the NLRB provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with employees' rights and may result in setting aside the election:

- Threatening loss of jobs or benefits by an employer or a union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or, if the election is conducted by mail, from the time and date the ballots are scheduled to be sent out by the Region until the time and date set for their return
- Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a union or an employer to influence their votes

Please be assured that IF AN ELECTION IS HELD, every effort will be made to protect your right to a free choice under the law. Improper conduct will not be permitted. All parties are expected to cooperate fully with the NLRB in maintaining basic principles of a fair election as required by law. The NLRB as an agency of the United States Government does not endorse any choice in the election.

For additional information about the processing of petitions, go to www.nlr.gov or contact the NLRB at (702)388-6416.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED BY ANYONE. IT MUST REMAIN POSTED WITH ALL PAGES SIMULTANEOUSLY VISIBLE UNTIL REPLACED BY THE NOTICE OF ELECTION OR THE PETITION IS DISMISSED OR WITHDRAWN.



National Labor Relations Board





**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**



GREEN VALLEY RANCH Employer and LOCAL JOINT EXECUTIVE BOARD OF LAS VEGAS affiliated with UNITE HERE INTERNATIONAL UNION Petitioner	Case 28-RC-208266
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NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at **10:00 a.m. on Friday, October 27, 2017** and on consecutive days thereafter until concluded, at the National Labor Relations Board Hearing Room, 300 Las Vegas Boulevard South, Suite 2901, Las Vegas, NV 89101, a hearing will be conducted before a hearing officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or otherwise, and give testimony.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board's Rules and Regulations, Green Valley Ranch must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that is received by them by no later than **Noon** Pacific time on **Thursday, October 26, 2017**. The Statement of Position may be E-Filed but, unlike other E-Filed documents, must be filed by noon Pacific on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position is not required to be filed.

Dated: October 19, 2017

/s/ **Cornele A. Overstreet**

Cornele A. Overstreet, Regional Director
National Labor Relations Board - Region 28

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

**DESCRIPTION OF REPRESENTATION CASE PROCEDURES
IN CERTIFICATION AND DECERTIFICATION CASES**

The National Labor Relations Act grants employees the right to bargain collectively through representatives of their own choosing and to refrain from such activity. A party may file an RC, RD or RM petition with the National Labor Relations Board (NLRB) to conduct a secret ballot election to determine whether a representative will represent, or continue to represent, a unit of employees. An **RC** petition is generally filed by a union that desires to be certified as the bargaining representative. An **RD** petition is filed by employees who seek to remove the currently recognized union as the bargaining representative. An **RM** petition is filed by an employer who seeks an election because one or more individuals or unions have sought recognition as the bargaining representative, or based on a reasonable belief supported by objective considerations that the currently recognized union has lost its majority status. This form generally describes representation case procedures in RC, RD and RM cases, also referred to as certification and decertification cases.

Right to be Represented – Any party to a case with the NLRB has the right to be represented by an attorney or other representative in any proceeding before the NLRB. A party wishing to have a representative appear on its behalf should have the representative complete a Notice of Appearance (Form NLRB-4701), and E-File it at www.nlr.gov or forward it to the NLRB Regional Office handling the petition as soon as possible.

Filing and Service of Petition – A party filing an RC, RD or RM petition is required to serve a copy of its petition on the parties named in the petition along with this form and the Statement of Position form. The petitioner files the petition with the NLRB, together with (1) a certificate showing service of these documents on the other parties named in the petition, and (2) a showing of interest to support the petition. The showing of interest is not served on the other parties.

Notice of Hearing – After a petition in a certification or decertification case is filed with the NLRB, the NLRB reviews both the petition and the required showing of interest for sufficiency, assigns the petition a case number, and promptly sends letters to the parties notifying them of the Board agent who will be handling the case. In most cases, the letters include a Notice of Representation Hearing. Except in cases presenting unusually complex issues, this pre-election hearing is set for a date 8 days (excluding intervening federal holidays) from the date of service of the notice of hearing. Once the hearing begins, it will continue day to day until completed absent extraordinary circumstances. The Notice of Representation Hearing also sets the due date for filing and serving the Statement(s) of Position. Included with the Notice of Representation Hearing are a copy of the petition, this form, a Statement of Position form, a Notice of Petition for Election, and a letter advising how to contact the Board agent who will be handling the case and discussing those documents.

Hearing Postponement: The regional director may postpone the hearing for up to 2 business days upon request of a party showing special circumstances and for more than 2 business days upon request of a party showing extraordinary circumstances. A party wishing to request a postponement should make the request in writing and set forth in detail the grounds for the request. The request should include the positions of the other parties regarding the postponement. The request should be filed with the regional director. E-Filing the request is preferred, but not required. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Statement of Position Form and List(s) of Employees – The Statement of Position form solicits commerce and other information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. As part of its Statement of Position form, the employer also provides a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. If the employer contends that the proposed unit is not appropriate, the employer must separately list the same information for all individuals that the employer contends must be added to the proposed unit to make it an appropriate unit, and must further indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department).

Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list

must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

Ordinarily the Statement of Position must be filed with the Regional Office and served on the other parties such that it is received by them by noon on the business day before the opening of the hearing. The regional director may postpone the due date for filing and serving the Statement of Position for up to 2 business days upon request of a party showing special circumstances and for more than 2 business days upon request of a party showing extraordinary circumstances. The Statement of Position form may be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Statement of Position requirement are discussed on the following page under the heading "Preclusion."

A request to postpone the hearing will not automatically be treated as a request for an extension of the Statement of Position due date. If a party wishes to request both a postponement of the hearing and a postponement of the Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Posting and Distribution of Notice of Petition for Election – Within 2 business days after service of the notice of hearing, the employer must post the Notice of Petition for Election in conspicuous places, including all places where notices to employees are customarily posted, and must also distribute it electronically if the employer customarily communicates with its employees electronically. The employer must maintain the posting until the petition is dismissed or withdrawn, or the Notice of Petition for Election is replaced by the Notice of Election. The employer's failure properly to post or distribute the Notice of Petition for Election may be grounds for setting aside the election if proper and timely objections are filed.

Election Agreements – Elections can occur either by agreement of the parties or by direction of the regional director or the Board. Three types of agreements are available: (1) a Consent Election Agreement (Form NLRB-651); (2) a Stipulated Election Agreement (Form NLRB-652); and (3) a Full Consent Agreement (Form NLRB-5509). In the Consent Election Agreement and the Stipulated Election Agreement, the parties agree on an appropriate unit and the method, date, time, and place of a secret ballot election that will be conducted by an NLRB agent. In the Consent Agreement, the parties also agree that post-election matters (election objections or determinative challenged ballots) will be resolved with finality by the regional director; whereas in the Stipulated Election Agreement, the parties agree that they may request Board review of the regional director's post-election determinations. A Full Consent Agreement provides that the regional director will make final determinations regarding all pre-election and post-election issues.

Hearing Cancellation Based on Agreement of the Parties – The issuance of the Notice of Representation Hearing does not mean that the matter cannot be resolved by agreement of the parties. On the contrary, the NLRB encourages prompt voluntary adjustments and the Board agent assigned to the case will work with the parties to enter into an election agreement, so the parties can avoid the time and expense of participating in a hearing.

Hearing – A hearing will be held unless the parties enter into an election agreement approved by the regional director or the petition is dismissed or withdrawn.

Purpose of Hearing: The purpose of a pre-election hearing is to determine if a question of representation exists. A question of representation exists if a proper petition has been filed concerning a unit appropriate for the purpose of collective bargaining or, in the case of a decertification petition, concerning a unit in which a labor organization has been certified or is being currently recognized by the employer as the bargaining representative. Disputes concerning individuals' eligibility to vote or inclusion in an appropriate unit ordinarily need not be litigated or resolved before an election is conducted.

Issues at Hearing: Issues that might be litigated at the pre-election hearing include: jurisdiction; labor organization status; bars to elections; unit appropriateness; expanding and contracting unit issues; inclusion of professional employees with nonprofessional employees; and eligibility formulas. At the hearing, the Statement of Position will be received into evidence and, prior to the introduction of further evidence, all other parties will respond on the record to each issue raised in the Statement. The hearing officer will not receive evidence concerning any issue as to which the parties have not taken adverse positions, except for evidence regarding the Board's jurisdiction over the employer and evidence concerning any issue, such as the appropriateness of the proposed unit, as to which the regional director determines that record evidence is necessary.

Preclusion: At the hearing, a party will be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party will be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. As set forth in §102.66(d) of the Board's rules, if the employer fails to timely furnish the lists of employees, the employer will be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Conduct of Hearing: If held, the hearing is usually open to the public and will be conducted by a hearing officer of the NLRB. Any party has the right to appear at any hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the existence of a question of representation. The hearing officer also has the power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence. Witnesses will be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Parties appearing at any hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, should notify the regional director as soon as possible and request the necessary assistance.

Official Record: An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. (Copies of exhibits should be supplied to the hearing officer and other parties at the time the exhibit is offered in evidence.) All statements made in the hearing room will be recorded by the official reporter while the hearing is on the record. If a party wishes to make off-the-record remarks, requests to make such remarks should be directed to the hearing officer and not to the official reporter. After the close of the hearing, any request for corrections to the record, either by stipulation or motion, should be forwarded to the regional director.

Motions and Objections: All motions must be in writing unless stated orally on the record at the hearing and must briefly state the relief sought and the grounds for the motion. A copy of any motion must be served immediately on the other parties to the proceeding. Motions made during the hearing are filed with the hearing officer. All other motions are filed with the regional director, except that motions made after the transfer of the record to the Board are filed with the Board. If not E-Filed, an original and two copies of written motions shall be filed. Statements of reasons in support of motions or objections should be as concise as possible. Objections shall not be deemed waived by further participation in the hearing. On appropriate request, objections may be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

Election Details: Prior to the close of the hearing the hearing officer will: (1) solicit the parties' positions (but will not permit litigation) on the type, date(s), time(s), and location(s) of the election and the eligibility period; (2) solicit the name, address, email address, facsimile number, and phone number of the employer's on-site representative to whom the regional director should transmit the Notice of Election if an election is directed; (3) inform the parties that the regional director will issue a decision as soon as practicable and will immediately transmit the document to the parties and their designated representatives by email, facsimile, or by overnight mail (if neither an email address nor facsimile number was provided); and (4) inform the parties of their obligations if the director directs an election and of the time for complying with those obligations.

Oral Argument and Briefs: Upon request, any party is entitled to a reasonable period at the close of the hearing for oral argument, which will be included in the official transcript of the hearing. At any time before the close of the hearing, any party may file a memorandum addressing relevant issues or points of law. Post-hearing briefs shall be filed only upon special permission of the regional director and within the

time and addressing the subjects permitted by the regional director. If filed, copies of the memorandum or brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the memorandum or brief. No reply brief may be filed except upon special leave of the regional director. If allowed, briefs should be double-spaced on 8½ by 11 inch paper. Briefs must be filed in accordance with the provisions of Section 102.111(b) of the Board's Rules. E-Filing of briefs through the Board's website, www.nlr.gov, is encouraged, but not required. Facsimile transmission of briefs is NOT permitted.

Regional Director Decision - After the hearing, the regional director issues a decision directing an election, dismissing the petition or reopening the hearing. A request for review of the regional director's pre-election decision may be filed with the Board at any time after issuance of the decision until 14 days after a final disposition of the proceeding by the regional director. Accordingly, a party need not file a request for review before the election in order to preserve its right to contest that decision after the election. Instead, a party can wait to see whether the election results have mooted the basis of an appeal. The Board will grant a request for review only where compelling reasons exist therefore.

Voter List – The employer must provide to the regional director and the parties named in the election agreement or direction of election a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular ("cell") telephone numbers) of all eligible voters. (In construction industry elections, unless the parties stipulate to the contrary, also eligible to vote are all employees in the unit who either (1) were employed a total of 30 working days or more within the 12 months preceding the election eligibility date or (2) had some employment in the 12 months preceding the election eligibility date and were employed 45 working days or more within the 24 months immediately preceding the election eligibility date. However, employees meeting either of those criteria who were terminated for cause or who quit voluntarily prior to the completion of the last job for which they were employed, are not eligible.) The employer must also include in a separate section of the voter list the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge or those individuals who, according to the direction of election, will be permitted to vote subject to challenge.

The list of names must be alphabetized (overall or by department) and be in the same Microsoft Word file (or Microsoft Word compatible file) format as the initial lists provided with the Statement of Position form unless the parties agree to a different format or the employer certifies that it does not possess the capacity to produce the list in the required form. When feasible, the list must be filed electronically with the regional director and served electronically on the other parties named in the agreement or direction.

To be timely filed and served, the voter list must be received by the regional director and the parties named in the agreement or direction respectively within 2 business days after the approval of the agreement or issuance of the direction unless a longer time is specified in the agreement or direction. A certificate of service on all parties must be filed with the regional director when the voter list is filed. The employer's failure to file or serve the list within the specified time or in proper format shall be grounds for setting aside the election whenever proper and timely objections are filed. The parties shall not use the list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

Waiver of Time to Use Voter List – Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 days after the date when the employer must file the voter list with the Regional Office. However, the parties entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483. A waiver will not be effective unless all parties who are entitled to the list agree to waive the same number of days.

Election – Information about the election, requirements to post and distribute the Notice of Election, and possible proceedings after the election is available from the Regional Office and will be provided to the parties when the Notice of Election is sent to the parties.

Withdrawal or Dismissal – If it is determined that the NLRB does not have jurisdiction or that other criteria for proceeding to an election are not met, the petitioner is offered an opportunity to withdraw the petition. If the petitioner does not withdraw the petition, the regional director will dismiss the petition and advise the petitioner of the reason for the dismissal and of the right to appeal to the Board.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A STATEMENT OF POSITION FORM

Completing and Filing this Form: The Notice of Hearing indicates which parties are responsible for completing the form. If you are required to complete the form, you must have it signed by an authorized representative and file a completed copy (including all attachments) with the RD and serve copies on all parties named in the petition by the date and time established for its submission. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You may E-File your Statement of Position at www.nlrb.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed.**

Note: *Non-employer parties who complete this Statement of Position are NOT required to complete items 8f and 8g of the form, or to provide a commerce questionnaire or the lists described in item 7. In RM cases, the employer is NOT required to complete items 3, 5, 6, and 8a-8e of the form.*

Required Lists: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlrb.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

Consequences of Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE

Case No. 28-RC-208266	Date Filed October 19, 2017
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INSTRUCTIONS: Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing.
Note: Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7. In RM cases, the employer is NOT required to respond to items 3, 5, 6, and 8a-8e below.

1a. Full name of party filing Statement of Position Green Valley Ranch		1c. Business Phone:	1e. Fax No.:		
1b. Address (Street and number, city, state, and ZIP code)		1d. Cell No.:	1f. e-Mail Address		
2. Do you agree that the NLRB has jurisdiction over the Employer in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No (A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)					
3. Do you agree that the proposed unit is appropriate? <input type="checkbox"/> Yes <input type="checkbox"/> No (If not, answer 3a and 3b)					
a. State the basis for your contention that the proposed unit is not appropriate. (If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards)					
b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit. <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Added</td> <td style="width: 50%;">Excluded</td> </tr> </table>				Added	Excluded
Added	Excluded				
4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility.					
5. Is there a bar to conducting an election in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state the basis for your position.					
6. Describe all other issues you intend to raise at the pre-election hearing.					
<p>The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at www.nlrb.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.</p> <p>A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B)</p> <p>If the employer contends that the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be excluded from the proposed unit to make it an appropriate unit. (Attachment D)</p> <p>State your position with respect to the details of any election that may be conducted in this matter. 8a. Type: <input type="checkbox"/> Manual <input type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail</p>					
8b. Date(s)	8c. Time(s)	8d. Location(s)			
8e. Eligibility Period (e.g. special eligibility formula)	8f. Last Payroll Period Ending Date	8g. Length of payroll period <input type="checkbox"/> Weekly <input type="checkbox"/> Biweekly <input type="checkbox"/> Other (specify length)			
9. Representative who will accept service of all papers for purposes of the representation proceeding					
9a. Full name and title of authorized representative		9b. Signature of authorized representative	9c. Date		
9d. Address (Street and number, city, state, and ZIP code)			9e. e-Mail Address		
9f. Business Phone No.:		9g. Fax No.	9h. Cell No.		

WILLFUL FALSE STATEMENTS ON THIS STATEMENT OF POSITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. Code, Title 18, Section 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

Green Valley Ranch

CASE NUMBER

28-RC-208266

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$		
H. Gross Revenues from all sales or performance of services (<i>Check the largest amount</i>) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

From: [Moore, Dawn M.](#)
To: [Lipkin, Harriet](#); kevin.harlow@dlapiper.com; ebm@msh.law; kweber@msh.law
Subject: Station GVR Acquisition, LLC d/b/a Green Valley Ranch Resort Spa Casino - Case 28-RC-208266
Date: Thursday, October 26, 2017 7:57:45 PM
Attachments: [image001.png](#)
[LTR.28-RC-208266.Letter Sending Approved AGR and NEEs 10-26-17.pdf](#)
[AGR.28-RC-208266.Stipulated Election Agreement Approved 10-26-17.docx.pdf](#)
[NEE.28-RC-208266.Notice of Election-Manual-ENGLISH.pdf](#)
[NEE.28-RC-208266.Notice of Election-Manual-SPANISH.docx.pdf](#)

Please see the attached documents.

Dawn M. Moore

Administrative Assistant
Region 28 – Las Vegas Resident Office
National Labor Relations Board
Foley Federal Building
300 Las Vegas Boulevard South, Suite 2-901
Las Vegas, NV 89101-5833
Tel: (702) 820-7466
Fax: (702) 388-6248



NATIONAL LABOR
RELATIONS BOARD



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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 28
2600 North Central Avenue
Suite 1400
Phoenix, AZ 85004

Agency Website: www.nlrb.gov
Telephone: (602)640-2160
Fax: (602)640-2178

October 26, 2017

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Re: Station GVR Acquisition, LLC d/b/a
Green Valley Ranch Resort Spa Casino
Case 28-RC-208266

Ladies and Gentlemen:

Enclosed are the Notices of Election and a copy of the election agreement that I have approved in this case. This letter will provide you with information about the voter list, posting and distribution of the election notices, and the agreed-upon election arrangements.

Voter List

The employer must provide the regional director and parties an alphabetized list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters, **accompanied by a certificate of service** on all parties.

To be timely filed and served, the list must be *received* by the regional director and the parties by **Monday, October 30, 2017**. **The region will no longer serve the voter list.** The employer's failure to file or serve the list within the specified time or in the proper format is grounds for setting aside the election whenever proper and timely objections are filed. However, the employer may not object to the failure to file or serve the list in the specified time or in the proper format if it is responsible for the failure.

The list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the employer must electronically file the list with the regional director and electronically serve the list on the other parties. Electronic filing of the list with the NLRB through the Agency website is preferred but not required. To file electronically, go to **www.nlr.gov**, click on **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. The list also may be submitted to our office by email or fax to (702)388-6248. The burden of establishing the timely filing and receipt of the list is on the sending party.

Posting and Distribution of Election Notices

The Employer must post copies of the attached Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted at least 3 full working days prior to 12:01 am on the day of the election and must also distribute the Notice of Election electronically to any employees in the unit with whom it customarily communicates electronically. The Notice of Election must be posted so all pages are simultaneously visible. In this case, the notices must be posted and distributed **before 12:01 a.m. on Friday, November 3, 2017**. The employer's failure to timely post or distribute the election notices is grounds for setting aside the election if proper and timely objections are filed. However, a party is stopped from objecting to the nonposting or nondistribution of notices if it is responsible for the nonposting or nondistribution.

To make it administratively possible to have election notices and ballots in a language other than English and Spanish, please notify the Board agent immediately if that is necessary for this election. Also, as noted in paragraph 10 of the stipulated election agreement, if special accommodations are required for any voters, potential voters, or election participants to vote or reach the voting area, please tell the Board agent as soon as possible.

Election Arrangements

The arrangements for the election in this matter are as follows:

Date of Election:	Wednesday, November 8, 2017
Times:	6:00 a.m. to 9:00 a.m. 11:00 a.m. to 2:00 p.m. 4:00 p.m. to 7:00 p.m.
Place:	The El Cielo 2 Room at Employer's facility at 2300 Paseo Verde Parkway, Henderson, NV

Date of Election: Thursday, November 9, 2017

Times: 6:00 a.m. to 9:00 a.m.
11:00 a.m. to 2:00 p.m.
4:00 p.m. to 7:00 p.m.

Place: The El Cielo 2 Room at Employer's facility at
2300 Paseo Verde Parkway, Henderson, NV

Election Observers: Each party may have observers for each polling session. The observers may be present at the polling place during the balloting and to assist the Board agent in counting the ballots after the polls have been closed. **Please complete the enclosed Designation of Observer form and return it to this office as soon as possible.**

Preelection Conference: A preelection conference for all parties will be held on **Tuesday, November 7, 2017 at 12:00 p.m. at the site of the election.** The parties are requested to have their election observers present at this conference so that the observers may receive instruction from the Board Agent about their duties.

Election Equipment: The Board agent conducting the election will furnish the ballot box, ballots, and voting booths. The Employer is requested to provide, at the polling place, a table and a sufficient number of chairs for use by the Board agent and observers during the election.

Enclosed is a Description of Election and Post-Election Procedures in Representation Cases, Form NLRB-5547, which describes the election and the method for handling challenges as well as post-election proceedings to deal with determinative challenges and any objections that are filed.

If you have any questions, please feel free to contact Field Attorney Nathan A. Higley at telephone number (702)820-7467 or by email at nathan.higley@nlr.gov. The cooperation of all parties is sincerely appreciated.

Very truly yours,

/s/ Cornele A. Overstreet

Cornele A. Overstreet
Regional Director

Enclosures

1. Approved Election Agreement
2. Notice of Election
3. Designation of Observer Form
4. Description of Procedures in Election and Post-Election Representation Case Procedures (Form 5547)

CAO/NAH/dmm

DESIGNATION OF OBSERVER(S)

Re: Station GVR Acquisition, LLC d/b/a
Green Valley Ranch Resort Spa Casino
Case 28-RC-208266

Station GVR Acquisition, LLC d/b/a Green Valley Ranch Resort Spa Casino hereby designates the individual listed below to act as its observer during the election in the above case.

Observer's Name	Observer's Job Title
1.	

I certify that each of the above-named individuals is an employee of the Employer and is not a supervisor within the meaning of Section 2(11) of the Act.

Station GVR Acquisition, LLC d/b/a
Green Valley Ranch Resort Spa Casino

(Name of Party)

By:

(Signature)

(Representative Name: Print or Type)

(Representative Title)

(Date)

Note: Board law prohibits any statutory supervisor from serving as an election observer. Section 2(11) of the National Labor Relations Act states: "The term 'supervisor' means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

DESIGNATION OF OBSERVER(S)

Re: Station GVR Acquisition, LLC d/b/a
Green Valley Ranch Resort Spa Casino
Case 28-RC-208266

Local Joint Executive Board of Las Vegas affiliated with UNITE HERE International Union hereby designates the individual listed below to act as its observer during the election in the above case.

Observer's Name	Observer's Job Title
1.	

I certify that each of the above-named individuals is an employee of the Employer and is not a supervisor within the meaning of Section 2(11) of the Act.

Local Joint Executive Board of Las Vegas
affiliated with UNITE HERE International Union

(Name of Party)

By: _____

(Signature)

(Representative Name: Print or Type)

(Representative Title)

(Date)

Note: Board law prohibits any statutory supervisor from serving as an election observer. Section 2(11) of the National Labor Relations Act states: "The term 'supervisor' means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

**DESCRIPTION OF ELECTION AND POST-ELECTION
REPRESENTATION CASE PROCEDURES**

Election – A secret ballot election will be conducted by an agent of the National Labor Relations Board on the date and at the time(s) and location(s) specified in the Notice of Election. Unless the election is conducted by mail ballot, each party is usually represented by an equal number of observers at the polls during the election. When a voter appears to vote, the voter is asked to state his or her name and is given a ballot to take to a voting booth and mark in secret. The voter folds the marked ballot and then drops it into a ballot box without showing the marking to anyone. Parties or the Board agent may challenge for good cause the eligibility of a voter to participate in the election. A challenged voter will place his or her ballot in a special envelope before placing it in the ballot box. After the time for voting has concluded but before counting the ballots, the Board agent will see if the parties can agree to resolve some or all of the challenges. The Board agent will then count the ballots and prepare a Tally of Ballots and make that Tally available to the parties. If the unresolved challenged ballots will not determine the outcome of the election, the challenged ballots are never opened and no determination is made on the voters' eligibility. If the remaining challenged ballots are determinative of the results of the election, those challenged ballots will be sealed in a special envelope in front of the parties and stored in a safe in an NLRB office.

Challenged Ballots – If the challenged ballots are determinative, the regional director will send a letter to the parties after the election, listing the challenged voters and asking the parties to submit a statement of position with respect to the challenge to the ballot of each voter listed above detailing why each of the challenged individuals is or is not eligible to vote. The regional director will then determine whether it is necessary to conduct an investigation or schedule a hearing to resolve the determinative challenges.

Objections – Within 7 days after the Tally of Ballots has been prepared, any party may file objections to the conduct of the election or to conduct affecting the results of the election. The objections must be submitted within this time frame, regardless of whether the challenged ballots are sufficient in number to affect the results of the election. The objections must contain a short statement of the reasons for the objections and be accompanied by a written offer of proof identifying each witness the party would call to testify concerning the issue and summarizing the witness's testimony. Upon a showing of good cause, the regional director may extend the time for filing the offer of proof. The party filing the objections will serve a copy of the objections, but not the written offer of proof, on each of the other parties to the case, and include a certificate of service with the objections. The objections may be E-Filed through the Agency's E-Filing system. Objections may also be submitted by facsimile transmission, but the filer must also file an original for the Agency's records.

Certification in the Absence of Objections, Determinative Challenges, and Runoff Elections -- If no timely objections are filed, no runoff election is required to be held, and the challenged ballots are insufficient in number to affect the results of the election, the regional director will issue a certification of the results of the election, including certification of representative where appropriate.

Regional Office Investigation and Decisions without a Hearing -- A Board agent may be assigned to conduct an administrative investigation of determinative challenges and objections. If the regional director determines that the evidence described in the offer of proof would not constitute grounds for setting aside the election if introduced at a hearing, and the regional director determines that any determinative challenges do not raise substantial and material factual issues, the regional director will issue a decision disposing of the objections and determinative challenges, and a certification of the results of the election, including certification of representative where appropriate.

Notices of Hearing on Challenges and/or Objections -- The regional director will schedule the hearing on challenges and/or objections 21 days after the preparation of the tally of ballots or as soon as practicable thereafter, unless the parties agree to an earlier date. In some cases, the regional director may consolidate the hearing concerning

objections and challenges with an unfair labor practice proceeding before an administrative law judge. In any proceeding involving a consent election where the representation case has been consolidated with an unfair labor practice proceeding for hearing, the administrative law judge will, after issuing a decision, sever the representation case and transfer it to the regional director for further processing. If there was no consent election, the administrative law judge's recommendations on objections and/or challenges that have been consolidated with an unfair labor practice proceeding will be ruled upon by the Board if exceptions are filed or adopted in the absence of exceptions.

Voluntary Resolution -- An objecting party may wish to withdraw its objections. The withdrawal may be oral or written. When objections are withdrawn, the regional director may issue the appropriate certification. If the parties agree to set aside the election and conduct a new one, the Board agent will prepare a written agreement for their signature and approval by the regional director. Agreement of the objecting party is not required.

Hearing on Challenges and/or Objections -- The hearing will continue from day to day until completed unless the regional director concludes that extraordinary circumstances warrant otherwise. Any party will have the right to appear at the hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the objections and determinative challenges that are the subject of the hearing. Post-hearing briefs may be filed only upon special permission of the hearing officer and within the time and addressing the subjects permitted by the hearing officer.

Hearing Officer's Report and Exceptions -- After the hearing, the hearing officer will prepare and serve on the parties a report resolving questions of credibility and containing findings of fact and recommendations as to the disposition of the post-election issues. Within 14 days from the issuance of that report, any party may file with the regional director exceptions to that report and a supporting brief if desired. A copy of the exceptions and any supporting brief must immediately be served on the other parties and a statement of service filed with the regional director. Within 7 days from the last date on which exceptions and any supporting brief may be filed, or such further time as the regional director may allow, a party opposing the exceptions may file an answering brief. A copy of the answering brief must immediately be served on the other parties and a statement of service filed with the regional director. Thereafter, the regional director will decide the matter or make other disposition of the case. If no exceptions to the hearing officer's report are filed, the regional director may decide the matter upon the record or make other disposition of the case. The decision of the regional director will be final unless a request for review is granted by the Board.

Briefs in support of exceptions and answering briefs may not exceed 50 pages, excluding the subject index and table of cases and authorities, unless permission is obtained from the regional director by motion, setting forth the reasons for exceeding the limit, filed not less than 5 days (including Saturdays, Sundays, and holidays) before the date the brief is due. If a brief filed exceeds 20 pages, it must contain a subject index with page references and an alphabetical table of cases and authorities. All documents filed with the regional director must be double spaced and on 8 ½ by 11-inch paper, and be printed or otherwise legibly duplicated.

Request For Review by the Board -- In stipulated and directed election cases, any party may request Board review of the regional director's post-election decision. The request for review must be filed with the Board within 14 days of the director's post-election decision and must be served on the regional director and the other parties. This may be combined with a request for review of the regional director's decision to direct an election. A statement of service must also be filed with the Board. Any party opposing the request for review may file a statement in opposition within 7 days after the last day for which the request for review must be filed. If the Board grants the request for review, the parties have 14 days from the order granting review to file briefs with the Board. A party seeking review must identify a significant, prejudicial error or some other compelling reason for Board review.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

**Station GVR Acquisition, LLC d/b/a
Green Valley Ranch Resort Spa Casino**

Case 28-RC-208266

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, Station GVR Acquisition, LLC d/b/a Green Valley Ranch Resort Spa Casino, a Nevada limited liability company with an office and place of business in Henderson, Nevada, is engaged in the operation of a hotel and casino. During the 12-month period ending October 19, 2017, the Employer in conducting its business operations described above, derived gross revenue in excess of \$500,000. During the same period of time, the Employer purchased and received at its Nevada facility goods valued in excess of \$50,000 directly from points outside the State of Nevada.

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

DATES: Wednesday, November 8, 2017 **HOURS:** 6:00 a.m. to 9:00 a.m.
11:00 a.m. to 2:00 p.m.
and 4:00 p.m. to 7:00 p.m.

Thursday, November 9, 2017 6:00 a.m. to 9:00 a.m.
11:00 a.m. to 2:00 p.m.
4:00 p.m. to 7:00 p.m.

PLACE: The El Cielo 2 Room at Employer's facility at
2300 Paseo Verde Pkwy.
Henderson, NV 89052

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Initials: 



INCLUDED: All regular full-time and regular part-time and regular on-call Banquet Bartenders, Banquet Porters, Banquet Servers, Bar/Beverage Porters, Bartenders, Bell Captains, Bell Persons, Beverage Servers, Bus Persons, Concession Workers, Catering Beverage Porters, Cooks, Cook's Helpers, Counter Attendants, Food Servers, Gourmet Hosts/Cashiers, Host/Cashiers, IM Porters, Kitchen Runners, Kitchen Workers, Lead Banquet Porters, Lead Counter Attendants, Lucky VIP Attendants, Lucky VIP Bartenders, Pantry Workers, Pantry Workers II, Resort Guest Room Attendants, Resort Housepersons, Resort Steakhouse Cooks, Resort Suite Guest Room Attendants, Room Runners, Service Bartenders, Sprinters, Status Board Operators, Steakhouse Captains, Stove Persons, Sushi Cooks, Team Member Dining Room Attendants, Turndown Guest Room Attendants, Utility Porters, VIP Attendants, VIP Bartenders, VIP Lounge Bartenders, VIP Servers employed by the Employer at Green Valley Ranch Resort Spa Casino.

EXCLUDED: All other employees, including all front-desk employees, valet parkers, gaming employees (dealers, slot attendants, cage cashiers), inspectresses, engineering and maintenance employees, office clerical employees, confidential employees, and all guards, managers and supervisors as defined by the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending October 22, 2017**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must

Initials: 



be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by Local Joint Executive Board of Las Vegas affiliated with UNITE HERE International Union?" The choices on the ballot will be "Yes" or "No".

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day of the election. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Employer's designated Notice of Election onsite representative: Teresa Hilton, Human Resources Director, located at Green Valley Ranch Resort Spa Casino, Human Resources Department, teresa.hilton@stationcasinos.com, 702-617-7683, 702-617-7685 (fax).

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

12. TALLY OF BALLOTS. Immediately upon the conclusion of the last voting session, all ballots cast will be comingled and counted and a tally of ballots prepared and immediately made available to the parties.

13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**Station GVR Acquisition, LLC d/b/a
Green Valley Ranch Resort Spa Casino**
(Employer)

**Local Joint Executive Board of Las Vegas
affiliated with UNITE HERE International
Union**
(Petitioner)

By

Harriet Lin 10/26/17
(Name) (Date)


By

[Signature] 10/26/2017
(Name) (Date)

Initials: HAL

[Signature]

Recommended:

 10/26/17
Nathan A. Higley, Field Attorney (Date)

Date approved: October 26, 2017

/s/ Cornele A. Overstreet

Regional Director, Region 28
National Labor Relations Board



United States of America
National Labor Relations Board
NOTICE OF ELECTION



PURPOSE OF ELECTION: This election is to determine the representative, if any, desired by the eligible employees for purposes of collective bargaining with their employer. A majority of the valid ballots cast will determine the results of the election. Only one valid representation election may be held in a 12-month period.

SECRET BALLOT: The election will be by SECRET ballot under the supervision of the Regional Director of the National Labor Relations Board (NLRB). A sample of the official ballot is shown on the next page of this Notice. Voters will be allowed to vote without interference, restraint, or coercion. Electioneering will not be permitted at or near the polling place. Violations of these rules should be reported immediately to an NLRB agent. Your attention is called to Section 12 of the National Labor Relations Act which provides: ANY PERSON WHO SHALL WILLFULLY RESIST, PREVENT, IMPEDE, OR INTERFERE WITH ANY MEMBER OF THE BOARD OR ANY OF ITS AGENTS OR AGENCIES IN THE PERFORMANCE OF DUTIES PURSUANT TO THIS ACT SHALL BE PUNISHED BY A FINE OF NOT MORE THAN \$5,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.

ELIGIBILITY RULES: Employees eligible to vote are those described under the VOTING UNIT on the next page and include employees who did not work during the designated payroll period because they were ill or on vacation or temporarily laid off, and also include employees in the military service of the United States who appear in person at the polls. Employees who have quit or been discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of this election are *not* eligible to vote.

SPECIAL ASSISTANCE: Any employee or other participant in this election who has a handicap or needs special assistance such as a sign language interpreter to participate in this election should notify an NLRB Office as soon as possible and request the necessary assistance.

PROCESS OF VOTING: Upon arrival at the voting place, voters should proceed to the Board agent and identify themselves by stating their name. The Board agent will hand a ballot to each eligible voter. Voters will enter the voting booth and mark their ballot in secret. **DO NOT SIGN YOUR BALLOT.** Fold the ballot before leaving the voting booth, then personally deposit it in a ballot box under the supervision of the Board agent and leave the polling area.

CHALLENGE OF VOTERS: If your eligibility to vote is challenged, you will be allowed to vote a challenged ballot. Although you may believe you are eligible to vote, the polling area is not the place to resolve the issue. Give the Board agent your name and any other information you are asked to provide. After you receive a ballot, go to the voting booth, mark your ballot and fold it so as to keep the mark secret. **DO NOT SIGN YOUR BALLOT.** Return to the Board agent who will ask you to place your ballot in a challenge envelope, seal the envelope, place it in the ballot box, and leave the polling area. Your eligibility will be resolved later, if necessary.

AUTHORIZED OBSERVERS: Each party may designate an equal number of observers, this number to be determined by the NLRB. These observers (a) act as checkers at the voting place and at the counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB.



**United States of America
National Labor Relations Board
NOTICE OF ELECTION**



VOTING UNIT

EMPLOYEES ELIGIBLE TO VOTE:

All regular full-time and regular part-time and regular on-call Banquet Bartenders, Banquet Porters, Banquet Servers, Bar/Beverage Porters, Bartenders, Bell Captains, Bell Persons, Beverage Servers, Bus Persons, Concession Workers, Catering Beverage Porters, Cooks, Cook's Helpers, Counter Attendants, Food Servers, Gourmet Hosts/Cashiers, Host/Cashiers, IM Porters, Kitchen Runners, Kitchen Workers, Lead Banquet Porters, Lead Counter Attendants, Lucky VIP Attendants, Lucky VIP Bartenders, Pantry Workers, Pantry Workers 11, Resort Guest Room Attendants, Resort Housepersons, Resort Steakhouse Cooks, Resort Suite Guest Room Attendants, Room Runners, Service Bartenders, Sprinters, Status Board Operators, Steakhouse Captains, Stove Persons, Sushi Cooks, Team Member Dining Room Attendants, Turndown Guest Room Attendants, Utility Porters, VIP Attendants, VIP Bartenders, VIP Lounge Bartenders, VIP Servers employed by the Employer at Green Valley Ranch Resort Spa Casino who were employed during the payroll period ending October 22, 2017.

EMPLOYEES NOT ELIGIBLE TO VOTE:

All other employees, including all front-desk employees, valet parkers, gaming employees (dealers, slot attendants, cage cashiers), inspectresses, engineering and maintenance employees, office clerical employees, confidential employees, and all guards, managers and supervisors as defined by the Act.

DATES, TIMES AND PLACE OF ELECTION

Wednesday, November 8, 2017	6:00 a.m. to 9:00 a.m. 11:00 a.m. to 2:00 p.m. 4:00 p.m. to 7:00 p.m.	The El Cielo 2 Room at Employer's facility at 2300 Paseo Verde Pkwy Henderson, NV 89052
Thursday, November 9, 2017	6:00 a.m. to 9:00 a.m. 11:00 a.m. to 2:00 p.m. 4:00 p.m. to 7:00 p.m.	The El Cielo 2 Room at Employer's facility at 2300 Paseo Verde Pkwy Henderson, NV 89052

EMPLOYEES ARE FREE TO VOTE AT ANY TIME THE POLLS ARE OPEN.

BALLOTS WILL BE CO-MINGLED AND COUNTED AT THE END OF THE LAST POLLING SESSION ON THURSDAY, NOVEMBER 9, 2017.



**United States of America
National Labor Relations Board
NOTICE OF ELECTION**



**UNITED STATES OF AMERICA
ESTADOS UNIDOS DE AMERICA**
National Labor Relations Board
Junta Nacional De Relaciones Del Trabajo

28-RC-208266

**OFFICIAL SECRET BALLOT
PAPELETA SECRETA OFICIAL**

For certain employees of
Para Ciertos Empleados De

STATION GVR ACQUISITION, LLC D/B/A GREEN VALLEY RANCH RESORT SPA CASINO

Do you wish to be represented for purposes of collective bargaining by
¿Desea usted estar representado para los fines de negociar colectivamente por
**LOCAL JOINT EXECUTIVE BOARD OF LAS VEGAS AFFILIATED
WITH UNITE HERE INTERNATIONAL UNION?**

**MARK AN "X" IN THE SQUARE OF YOUR CHOICE
MARQUE CON UNA "X" DENTRO DEL CUADRO DE SU SELECCIÓN**

**YES
SI**

☐

**NO
NO**

☐

**DO NOT SIGN THIS BALLOT. Fold and drop in the ballot box.
NO FIRME ESTA PAPELETA. Dóblela y deposítela en la urna electoral.**

**If you spoil this ballot, return it to the Board Agent for a new one.
Si usted daña esta papeleta devuélvala al Agente de la Junta y pídale una nueva.**

The National Labor Relations Board does not endorse any choice in this election.

Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.

La Junta Nacional de Relaciones del Trabajo no respalda a ninguna de las opciones en esta elección.

Cualquier marca que se pueda ver en cualquier muestra de la papeleta no fue hecha por la Junta Nacional de Relaciones del Trabajo.



**United States of America
National Labor Relations Board
NOTICE OF ELECTION**



RIGHTS OF EMPLOYEES - FEDERAL LAW GIVES YOU THE RIGHT TO:

- **Form, join, or assist a union**
- **Choose representatives to bargain with your employer on your behalf**
- **Act together with other employees for your benefit and protection**
- **Choose not to engage in any of these protected activities**
- **In a State where such agreements are permitted, the Union and Employer may enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the Union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the Union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).**

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both Employers and Unions to know what is expected of them when it holds an election.

If agents of either Unions or Employers interfere with your right to a free, fair, and honest election the election can be set aside by the Board. When appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in setting aside of the election:

- **Threatening loss of jobs or benefits by an Employer or a Union**
- **Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises**
- **An Employer firing employees to discourage or encourage union activity or a Union causing them to be fired to encourage union activity**
- **Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or the mail ballots are dispatched in a mail ballot election**
- **Incitement by either an Employer or a Union of racial or religious prejudice by inflammatory appeals**
- **Threatening physical force or violence to employees by a Union or an Employer to influence their votes**

The National Labor Relations Board protects your right to a free choice.

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law.

Anyone with a question about the election may contact the NLRB Office at (702)388-6416 or visit the NLRB website www.nlrb.gov for assistance.



Estados Unidos de América
Junta Nacional de Relaciones del Trabajo
AVISO DE ELECCION



OBJETIVO DE LA ELECCION: Esta elección es para determinar quién es el representante deseado por los empleados, si hubiese alguno, con el propósito de negociar colectivamente con su empleador. La mayoría de los votos válidos emitidos determinarán los resultados de la elección. En un período de 12 meses, solamente se podrá celebrar una elección válida de representación.

VOTO SECRETO: La elección será por papeleta de votación SECRETA bajo la supervisión del Director Regional de la Junta Nacional de Relaciones del Trabajo (JNRT). Una muestra de la papeleta oficial de votación se exhibe en la siguiente página de este Aviso. Los votantes podrán votar sin interferencia, impedimento o amenaza. No se permitirán campañas electorales en el centro de votación o sus alrededores. Las violaciones de estas reglas deberán ser reportadas inmediatamente a un agente de la JNRT. Se requiere su atención a la Sección 12 de la Ley Nacional de Relaciones del Trabajo que indica: CUALQUIER PERSONA QUE DELIBERADAMENTE SE OPONGA, PREVenga, IMPIDA O INTERFIERA CON CUALQUIER MIEMBRO DE LA JUNTA O CUALESQUIERA DE SUS AGENTES O AGENCIAS EN EL DESEMPEÑO DE SUS FUNCIONES CONFORME A ESTA LEY, SERA CASTIGADA CON UNA MULTA QUE NO EXCEDA \$5,000 DOLARES AMERICANOS, O ENCARCELAMIENTO QUE NO EXCEDA UN AÑO, O AMBOS.

REGLAS DE ELEGIBILIDAD: Los empleados elegibles para votar son aquellos que son descritos conforme a la UNIDAD DE VOTACION en la página siguiente, que incluye empleados que no trabajaron durante el periodo de la nomina de sueldos designada, porque ellos estaban enfermos o en vacaciones, o temporalmente descansados, y también se incluye a empleados en el servicio militar de los Estados Unidos que se presenten al lugar de la votación. NO son elegibles para votar, los empleados que renunciaron o fueron despedidos con causa, desde el período de la nómina de sueldos designada, y que no han sido recontratados o reintegrados antes de la fecha de esta elección.

ASISTENCIA ESPECIAL: Cualquier empleado u otro participante en esta elección que tenga una discapacidad, y que para participar requiera una asistencia especial, por ejemplo de un intérprete de lenguaje de señas, deberá comunicarse lo antes posible con una Oficina de la JNRT para solicitar la asistencia necesaria.

EL PROCESO DE LA VOTACION: Al llegar al lugar de la votación, los votantes deberán dirigirse al agente de la Junta e identificarse dando su nombre. El agente de la Junta entregará una papeleta de votación a cada uno de los votantes que sean elegibles. Los votantes entrarán a la caseta de votación y marcarán sus papeletas de votación en secreto. NO FIRME SU PAPELETA DE VOTACION. Doble la papeleta de votación antes de salir de la caseta de votación, luego personalmente deposítela en la urna electoral bajo la supervisión del agente de la Junta, y retírese del área de votación.

IMPUGNACION DE VOTANTES: Si se impugna su elegibilidad para votar, se le va a permitir votar con una papeleta impugnada. Aunque usted crea que sea elegible para votar, el área de la votación no es el lugar para resolver este asunto. Proporcione al agente de la Junta su nombre y cualquier otra información que se le pida. Después que usted reciba una papeleta de votación, vaya a la caseta de votación, marque su papeleta de votación y dóblela para poder mantener en secreto lo que marco. NO FIRME SU PAPELETA DE VOTACION. Regrese adonde esta el agente de la Junta quien le pedirá que coloque su papeleta de votación en un sobre impugnado; selle el sobre; colóquelo dentro de la urna electoral y retírese del área de votación. El asunto sobre su elegibilidad se resolverá más tarde, si fuese necesario.

OBSERVADORES AUTORIZADOS: Cada una de las partes podrá designar un número igual de observadores; este número será determinado por la JNRT. Estos observadores (a) actúan como controladores en el lugar de la votación y durante el conteo de las papeletas de votación; (b) ayudan a identificar a votantes; (c) impugnan votantes y papeletas y (d) ayudan de otras maneras a la JNRT.

ADVERTENCIA: Este es el único aviso oficial de esta elección y no deberá ser mutilado por ninguna persona. Cualquier marca que usted vea en cualquier papeleta de muestra o en cualquier parte de este aviso, ha sido hecha por personas ajenas a la Junta Nacional de Relaciones del Trabajo, y no han sido puestas ahí por la Junta Nacional de Relaciones del Trabajo. La Junta Nacional de Relaciones del Trabajo es una agencia del Gobierno de los Estados Unidos, y no respalda a ninguna de las opciones en esta elección.



Estados Unidos de América
Junta Nacional de Relaciones del Trabajo
AVISO DE ELECCION



UNIDAD DE VOTACION

EMPLEADOS ELEGIBLES PARA VOTAR:

Todos los camareros habituales de banquetes y banquetes, a tiempo completo y regular, de media jornada y de tiempo completo, servidores de banquete, porteros de bar/bebidas, cantineros, capitanes de botones, botones, servidores de bebidas, trabajadores de concesiones, porteros de bebidas de servicio de comidas, cocineros, Ayudantes de cocinero, dependientes de mostrador, servidores de comida, anfitriones gourmet/cajeros, afitriones/cajeros, porteros de IM, corredores de cocina, trabajadores de cocina, porteros principales de banquete, dependientes principales de mostrador, dependientes de Lucky VIP, cantineros de Lucky VIP, trabajadores de despensa, trabajadores de despensa 11, Asistentes de la habitación del resort, camareros del Resort, cocineros del Resort Steakhouse, Invitados de la Suite Resort, corredores de cuartos, cantineros de servicio, corredores, Operadores de tablón de anuncios y del estado, capitanes de Steakhouse, Personal de Estufa, cocineros de Sushi, Asistentes de los Comedores de los Miembros del Equipo, Camareros de Cuarto de Huéspedes, Porteros de utilidad, dependientes de VIP, cantineros de VIP, cantineros de VIP Lounge, Servidores de VIP, empleados por el Empleador en Green Valley Ranch Resort Spa Casino quienes fueron contratados durante el periodo de la nomina de sueldos que termina Octubre 22, 2017.

EMPLEADOS NO ELEGIBLES PARA VOTAR:

Todos los otros empleados, incluyendo todos los empleados de recepción, aparcacoches, empleados de juegos (concesionarios, asistentes de slot, cajeros de jaula), inspectadoras, empleados de ingeniería y mantenimiento, empleados administrativos de oficina, empleados confidenciales, y todos los guardias, gerentes y supervisores según lo definido por la ley.

FECHAS, HORAS Y LUGAR DE VOTACION

miércoles, 8 de noviembre, 2017	6:00 a.m. a 9:00 a.m. 11:00 a.m. a 2:00 p.m. 4:00 p.m. a 7:00 p.m.	The El Cielo 2 Salón en las facilidades del Empleador en 2300 Paseo Verde Pkwy Henderson, NV 89052
jueves, 9 de noviembre, 2017	6:00 a.m. a 9:00 a.m. 11:00 a.m. a 2:00 p.m. 4:00 p.m. a 7:00 p.m.	The El Cielo 2 Salón en las facilidades del Empleador en 2300 Paseo Verde Pkwy Henderson, NV 89052

**LOS EMPLEADOS SON LIBRES DE VOTAR EN CUALQUIER MOMENTO EN QUE LOS
CENTROS DE VOTACION SEAN ABIERTOS.**

**LAS BALOTAS SERÁN CO-MINGLED Y CONTADAS AL FINAL DE LA ÚLTIMA SESIÓN DE
VOTACIÓN EL JUEVES, 9 DE NOVIEMBRE DE 2017.**

ADVERTENCIA: Este es el único aviso oficial de esta elección y no deberá ser mutilado por ninguna persona. Cualquier marca que usted vea en cualquier papeleta de muestra o en cualquier parte de este aviso, ha sido hecha por personas ajenas a la Junta Nacional de Relaciones del Trabajo, y no han sido puestas ahí por la Junta Nacional de Relaciones del Trabajo. La Junta Nacional de Relaciones del Trabajo es una agencia del Gobierno de los Estados Unidos, y no respalda a ninguna de las opciones en esta elección.



Estados Unidos de América
Junta Nacional de Relaciones del Trabajo
AVISO DE ELECCION



UNITED STATES OF AMERICA
ESTADOS UNIDOS DE AMERICA
National Labor Relations Board
Junta Nacional De Relaciones Del Trabajo
28-RC-208266



OFFICIAL SECRET BALLOT
PAPELETA SECRETA OFICIAL

For certain employees of
Para Ciertos Empleados De

STATION GVR ACQUISITION, LLC D/B/A GREEN VALLEY RANCH RESORT SPA CASINO

Do you wish to be represented for purposes of collective bargaining by
¿Desea usted estar representado para los fines de negociar colectivamente por
LOCAL JOINT EXECUTIVE BOARD OF LAS VEGAS AFFILIATED
WITH UNITE HERE INTERNATIONAL UNION?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE
MARQUE CON UNA "X" DENTRO DEL CUADRO DE SU SELECCIÓN

YES
SI

☐

NO
NO

☐

DO NOT SIGN THIS BALLOT. Fold and drop in the ballot box.
NO FIRME ESTA PAPELETA. Dóblela y depositela en la urna electoral.

If you spoil this ballot, return it to the Board Agent for a new one.
Si usted daña esta papeleta devuélvala al Agente de la Junta y pídale una nueva.

The National Labor Relations Board does not endorse any choice in this election.

Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.

La Junta Nacional de Relaciones del Trabajo no respalda a ninguna de las opciones en esta elección.

Cualquier marca que se pueda ver en cualquier muestra de la papeleta no fue hecha por la Junta Nacional de Relaciones del Trabajo.



Estados Unidos de América
Junta Nacional de Relaciones del Trabajo
AVISO DE ELECCION



DERECHOS PARA EMPLEADOS – LA LEY FEDERAL LES DA EL DERECHO DE:

- **Formarse, unirse o apoyar a una unión**
- **Escoger a representantes para que negocien de su parte con su empleador**
- **Actuar junto con otros empleados por beneficio y protección mutua**
- **Elegir no participar en ninguna de estas actividades protegidas**
- **En un Estado donde tales acuerdos son permitidos, la Unión y el Empleador podrán celebrar un acuerdo legal de protección sindical que requiera que los empleados paguen cuotas periódicas y cuotas de iniciación. Los no-miembros que informen a la unión de su objeción a que sus pagos sean usados con propósitos no representativos, podrán ser requeridos de pagar solo la porción de los costos de la unión por actividades representativas (tales como negociación colectiva, administración de contratos y resolución de quejas).**

La Junta Nacional de Relaciones del Trabajo es responsable de proteger a los empleados en el ejercicio de estos derechos.

La Junta quiere que todos los votantes elegibles estén totalmente informados de sus derechos conforme a la ley Federal y cuando se celebren elecciones, quiere que ambos, los Empleadores y las Uniones, sepan que se espera de ellos.

Si los agentes, ya sean de las Uniones o de los Empleadores, interfieren con su derecho de tener una elección libre, justa y honesta, ésta podría ser desestimada por la Junta. Cuando es apropiado, la Junta proporciona otros recursos, tales como la reincorporación de los empleados que fueron despedidos por ejercer sus derechos, incluyendo el pago retroactivo de la parte que fue responsable de sus despidos.

Los siguientes son ejemplos de conductas que interfieren con los derechos de los empleados y que pudieran resultar en una desestimación de la elección:

- Un empleador o la unión que amenace con la pérdida de trabajos o beneficios.
- Una de las partes capaces que promete u otorga promociones, aumento de sueldos, u otros beneficios para influenciar el voto del empleado.
- Un empleador que despide a empleados para desalentar o alentar la actividad de unión, o una unión que cause sus despidos para alentar la actividad de la unión.
- Dar discursos de campaña para congrega grupos de empleados en horas de trabajo, donde la asistencia es obligatoria, dentro del periodo de las 24 horas antes de que los centros de votación abran por primera vez, o que las papeletas de votación por correo sean despachadas.
- Un empleador o la unión que instigue prejuicios raciales o religiosos por medio de apelaciones inflamatorias.
- Una unión o un empleador que amenace a los empleados con fuerza física o violencia para influenciar sus votos.

La Junta Nacional de Relaciones del Trabajo protege su derecho a una libre selección.

No se permitirán conductas inapropiadas. Se espera que todas las partes cooperen totalmente con esta Agencia para mantener los principios básicos de elecciones justas como es requerido por la ley.

Cualquier persona con preguntas sobre una elección puede contactar a la Oficina de la JNRT al (702)388-6416 o visitar la página web de la JNRT www.nlr.gov para ser asistido.

From: [Zayas, Christian D.](#)
To: harriet.lipkin@dlapiper.com; kweber@msh.law; ebm@msh.law
Cc: [Higley, Nathan A.](#)
Subject: Station GVR Acquisition, LLC d/b/a Green Valley Ranch Resort Spa Casino / Case 28-RC-208266
Date: Friday, November 17, 2017 8:06:21 PM
Attachments: [ORD.28-RC-208266.ORD Directing HRG on OBJ and NOH.pdf](#)
[image001.png](#)

Ladies and Gentlemen,

Please see attached.

V/R

Christian D. Zayas
Secretary to the Assistant Regional Director
2600 North Central Avenue, Suite 1400
Phoenix, AZ 85004-3099
(602)416-4772



NATIONAL LABOR
RELATIONS BOARD

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

**STATION GVR ACQUISITION, LLC d/b/a
GREEN VALLEY RANCH RESORT SPA CASINO**

Employer

and

Case 28-RC-208266

**LOCAL JOINT EXECUTIVE BOARD
OF LAS VEGAS AFFILIATED WITH
UNITE HERE INTERNATIONAL UNION**

Petitioner

**ORDER DIRECTING HEARING ON OBJECTIONS
AND NOTICE OF HEARING**

Pursuant to a Stipulated Election Agreement approved by me on October 26, 2017,¹ an election by secret ballot was conducted under my direction and supervision on November 8 and 9, by an agent of the National Labor Relations Board (the Board) among employees of the Employer in the unit found appropriate for collective bargaining.² The Tally of Ballots, which was served on all parties at the conclusion of the balloting, showed the following:

¹ All dates 2017, unless otherwise specified.

² All regular full-time and regular part-time and regular on-call Banquet Bartenders, Banquet Porters, Banquet Servers, Bar/Beverage Porters, Bartenders, Bell Captains, Bell Persons, Beverage Servers, Bus Persons, Concession Workers, Catering Beverage Porters, Cooks, Cook's Helpers, Counter Attendants, Food Servers, Gourmet Hosts/Cashiers, Host/Cashiers, IM Porters, Kitchen Runners, Kitchen Workers, Lead Banquet Porters, Lead Counter Attendants, Lucky VIP Attendants, Lucky VIP Bartenders, Pantry Workers, Pantry Workers 11, Resort Guest Room Attendants, Resort Housepersons, Resort Steakhouse Cooks, Resort Suite Guest Room Attendants, Room Runners, Service Bartenders, Sprinters, Status Board Operators, Steakhouse Captains, Stove Persons, Sushi Cooks, Team Member Dining Room Attendants, Turndown Guest Room Attendants, Utility Porters, VIP Attendants, VIP Bartenders, VIP Lounge Bartenders, VIP Servers employed by the Employer at Green Valley Ranch Resort Spa Casino; excluding all other employees, including all front-desk employees, valet parkers, gaming employees (dealers, slot attendants, cage cashiers), inspectresses, engineering and maintenance

Approximate number of eligible voters	833
Number of void ballots	3
Number of votes cast for Petitioner	571
Number of votes cast against participating labor organization	156
Number of valid votes counted	727
Number of challenged ballots	3
Number of valid votes counted plus challenged ballots	730

Objections to conduct affecting the results of the election were timely filed by the Employer on November 14. The objections which are fully set forth below state:

THE OBJECTIONS

1. The Local Joint Executive Board of Las Vegas affiliated with UNITE HERE International Union (“Union”) prepared “Election Day Sign Up Sheets” containing names and contact information taken from the list of eligible voters; distributed the Sheets to its agents; and instructed the agents to direct bargaining unit employees that they must “sign up” to vote on a specified date and time, and that they must vote “Yes” for the Union. This interfered with employees’ rights to refrain from voting, was intimidating and coercive, destroyed the requirement that their vote be in-secret, voluntary, or anonymous, and demonstrated that the Union was monitoring whether they voted.
2. The Union’s agents escorted groups of eligible voters to the voting room, interfering with their right to choose to refrain from voting, was intimidating and coercive, destroyed the requirement that their vote be in-secret, voluntary, and anonymous, and demonstrated that the Union was monitoring whether they voted.
3. The Union’s agents escorted voters to the voting room one-at-a-time, and departed only after the voter entered the voting room, interfering with their right to choose

employees, office clerical employees, confidential employees, and all guards, managers and supervisors as defined by the Act.

to refrain from voting, was intimidating and coercive, destroyed the requirement that their vote be in-secret, voluntary, and anonymous, and demonstrated that the Union was monitoring whether they voted.

4. The Union's agents directed and instructed bargaining unit employees to show their marked ballots to the Union's Observers, to "prove" how they voted. On multiple occasions, voters entered the ballot booth, exited the booth with their ballots in hand, and walked towards the Union's Observer, and not the ballot box. A Board agent directed the voters to deposit the ballots in the ballot box, and commented he had not seen such unusual conduct prior to the election in the above-captioned matter.
5. The Union's agents directed voters to wear Union buttons when voting.
6. The Union's agents patrolled the hall immediately adjacent to the voting room in the "no electioneering" area and frequently looked inside, maintaining an intimidating physical presence around the voting room and demonstrating that the Union was monitoring who had voted in the election, was intimidating and coercive, destroyed the requirement that their vote be in-secret, voluntary, or anonymous, and demonstrated that the Union was monitoring whether they voted. This happened on multiple occasions; on at least one occasion a Board agent exited the voting room as the individual quickly departed the "no electioneering" area ahead of the Board agent; and on at least one other occasion a Board agent confronted an individual and directed the individual to depart from the "no electioneering" area.

7. The Union's agent instructed voters waiting outside of the voting room where to stand and when to enter the voting room, creating the impression that the Union agent controlled the voting process.
8. The Union's agents maintained a list of who had voted, thereby interfering with employees' rights to refrain from voting, was intimidating and coercive, destroyed the requirement that their vote be in-secret, voluntary, or anonymous, demonstrated the Union was monitoring whether they voted, and created an intimidating and coercive atmosphere.
9. On several occasions, voters openly carried cell phones into the voting room and voting booths, but were not instructed by a Board agent that the use of such devices was restricted, creating the impression amongst voters that their voting activities were being monitored and recorded, and enabling voter fraud, coercion and intimidation.
10. On at least two occasions, voters lingered and conversed near the ballot box and/or beverage station, creating the impression amongst voters that their voting activities were being monitored, and enabling voter coercion and intimidation.
11. An appropriate flow of voters was not maintained, resulting in rushed and unreliable verifications of voter eligibility.
12. An Observer was permitted to serve after the Observer asked that a Board agent read the ballot to her, indicating that the purported Observer was illiterate or suffered vision problems, and was designated as an Observer for purposes of intimidating voters.

CONCLUSION AND ORDER

I have concluded that the evidence submitted by the Employer in support of its objections could be grounds for overturning the election if introduced at a hearing. Accordingly, in accordance with Section 102.69(c)(1)(ii) of the Board's Rules and Regulations, IT IS ORDERED that a hearing shall be held before a Hearing Officer designated by me, for the purpose of receiving evidence to resolve the issues raised by the objections. At the hearing, the parties will have the right to appear in person to give testimony, and to examine and cross-examine witnesses.

Upon the conclusion of the hearing, the Hearing Officer shall submit to me and serve on the parties a report containing resolutions of the credibility of witnesses, findings of fact and recommendations as to the disposition of the objections.

NOTICE OF HEARING

Starting at 10:00 a.m. on November 30, 2017 in the hearing room at the National Labor Relations Board Resident Office, 300 Las Vegas Boulevard South, Suite 2-901 Las Vegas, the hearing on objections as described above will be conducted before a hearing officer of the National Labor Relations Board. The hearing will continue on consecutive days thereafter until completed unless I determine that extraordinary circumstances warrant otherwise.

Dated: November 17, 2017



Cornele A. Overstreet, Regional Director

From: [Lipkin, Harriet](#)
To: [Overstreet, Cornele](#)
Cc: [Baynes, Barbara](#); [Higley, Nathan A.](#); [Eric Myers](#); [Kim Weber](#); [Harlow, Kevin](#)
Subject: Fw: Station GVR Acquisition, LLC d/b/a Green Valley Ranch Resort Spa Casino / Case 28-RC-208266
Date: Friday, November 17, 2017 8:33:43 PM
Attachments: [image001.png](#)
[ORD.28-RC-208266.ORD Directing HRG on OBJ and NOH.pdf](#)
Importance: High

Dear Mr. Overstreet,

We are writing to respectfully request that the hearing in the above-referenced matter be rescheduled to commence on Thursday December 7, 2017.

We request this one week delay due to the difficulties of preparation, subpoena service and travel around the Thanksgiving holiday.

The request is not made for purpose of delay.

Thank you in advance for your consideration.

Very truly yours,

Harriet Lipkin

Sent from my BlackBerry 10 smartphone.

From: Zayas, Christian D. <Christian.Zayas@nlrb.gov>
Sent: Friday, November 17, 2017 8:08 PM
To: Lipkin, Harriet; kweber@msh.law; ebm@msh.law
Cc: Higley, Nathan A.
Subject: Station GVR Acquisition, LLC d/b/a Green Valley Ranch Resort Spa Casino / Case 28-RC-208266

Ladies and Gentlemen,

Please see attached.

V/R

Christian D. Zayas
Secretary to the Assistant Regional Director
2600 North Central Avenue, Suite 1400
Phoenix, AZ 85004-3099
(602)416-4772



From: [Eric Myers](#)
To: [Lipkin, Harriet](#); [Overstreet, Cornele](#)
Cc: [Baynes, Barbara](#); [Higley, Nathan A.](#); [Kim Weber](#); [Harlow, Kevin](#); [Richard McCracken](#)
Subject: RE: Station GVR Acquisition, LLC d/b/a Green Valley Ranch Resort Spa Casino / Case 28-RC-208266
Date: Saturday, November 18, 2017 3:10:28 PM
Attachments: [image001.png](#)

Regional Director Overstreet:

Petitioner opposes the Employer's request to delay the hearing. You have set is sufficiently far from Thanksgiving so that holiday travel is not an issue. It is unclear what extraordinary preparation the Employer believes is necessary in order to introduce the evidence that it submitted to you in support of its objections (which is the purpose of this hearing according to your order of November 17). To be clear, the Union's position is that an objections hearing is not an opportunity for the loser to fish for additional evidence in support of its objections. The Employer apparently convinced the Region that it had sufficient evidence for a hearing and we shall see what that evidence is on the 30th. These objections should be resolved without delay. If the hearing drags into the later part of December, it will conflict with the year-end holidays and office closures. Petitioner asks you to stick to November 30th.

Respectfully,

Eric B. Myers

[McCracken, Stemerman & Holsberry, LLP](#)

595 Market Street, Suite 800, San Francisco, CA 94105

1630 S. Commerce St., Las Vegas, NV 89102

p: 415-597-7200/f: 415-597-7201/msh.law

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From: Lipkin, Harriet [mailto:Harriet.Lipkin@dlapiper.com]

Sent: Friday, November 17, 2017 5:34 PM

To: cornele.overstreet@nrlb.gov

Cc: Baynes, Barbara <Barbara.Baynes@nrlb.gov>; Higley, Nathan A. <Nathan.Higley@nrlb.gov>; Eric Myers <ebm@msh.law>; Kim Weber <kweber@msh.law>; Harlow, Kevin <Kevin.Harlow@dlapiper.com>

Subject: Fw: Station GVR Acquisition, LLC d/b/a Green Valley Ranch Resort Spa Casino / Case 28-RC-208266

Importance: High

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Very truly yours,

Harriet Lipkin

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From: Zayas, Christian D. <Christian.Zayas@nrlrb.gov>
Sent: Friday, November 17, 2017 8:08 PM
To: Lipkin, Harriet; kweber@msh.law; ebm@msh.law
Cc: Higley, Nathan A.
Subject: Station GVR Acquisition, LLC d/b/a Green Valley Ranch Resort Spa Casino / Case 28-RC-208266

Ladies and Gentlemen,

Please see attached.

V/R

Christian D. Zayas
Secretary to the Assistant Regional Director
2600 North Central Avenue, Suite 1400
Phoenix, AZ 85004-3099
(602)416-4772



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